



## **Arlington Zoning Board of Appeals**

**Date:** Thursday, April 8, 2021  
**Time:** 6:30 PM  
**Location:** Conducted by remote participation  
**Additional Details:**

### **Agenda Items**

#### **Administrative Items**

##### **1. Remote Participation Details**

In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20 relating to the COVID-19 emergency, the Arlington Zoning Board of Appeals meetings shall be physically closed to the public to avoid group congregation until further notice. The meeting shall instead be held virtually using Zoom.

Please read Governor Baker's Executive Order Suspending Certain Provision of Open Meeting Law for more information regarding virtual public hearings and meetings: <https://www.mass.gov/doc/open-meeting-law-order-march-12-2020/download>

You are invited to a Zoom meeting.

When: Apr 8, 2021 06:30 PM Eastern Time (US and Canada)

Register in advance for this meeting:

<https://town-arlington-ma-us.zoom.us/join>  
<https://town-arlington-ma-us.zoom.us/meeting/register/tJMvduyqrDMjE9H3VDXgsmO5gWoHzAyIGd4H>

After registering, you will receive a confirmation email containing information about joining the meeting.

Meeting ID: 972 1522 8995

Find your local number: <https://town-arlington-ma-us.zoom.us/join>

Dial by Location: 1-646-876-9923 US (New York)

##### **2. Approval of Meeting Minutes for March, 30, 2021**

#### **Comprehensive Permits**

3. **Thorndike Place - Revised Draft Decision**
4. **Thorndike Place - Open Space Committee**
5. **Thorndike Place - BETA**
6. **Thorndike Place - Public Comments**
7. **Thorndike Place - Freeburger**
8. **Thorndike Place - New Documents**

**Meeting Adjourn**



## Town of Arlington, Massachusetts

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### Thorndike Place - Revised Draft Decision

#### ATTACHMENTS:

Type	File Name	Description
Reference Material	Thorndike_Place_ComprehensivePermit_Draft_Decision_(PJH_revisions_4-8-21).pdf	Thorndike Place ComprehensivePermit Draft Decision (PJH revisions 4-8-21).pdf

**TOWN OF ARLINGTON**  
**Zoning Board of Appeals**  
730 Massachusetts Avenue  
Arlington, MA 02476

**DECISION ON APPLICATION FOR COMPREHENSIVE PERMIT**  
**G.L. c. 40B, §§ 20-23**

APPLICANT: ARLINGTON LAND REALTY, LLC (“Applicant”)

PROPERTY: Off Dorothy Road and [Parker Street](#) (the “Property”)

ASSESSORS’ MAP: Assessors Parcels 17-6-6A, 16-8-8, 16-8-2, 16-8-3, 16-8-4, 16-8-5, 16-8-6, 16-8-7A, 13-12-5A, 14-2-8 and 14-2-5

DEVELOPMENT NAME: Thorndike Place

DATE: \_\_\_\_\_, 2021

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**I. PROCEDURAL HISTORY**

1. An application for a Comprehensive Permit was received by the Town of Arlington Zoning Board of Appeals (“Board”) on or about August 31, 2016 (“Application”). The Application proposes the development of twelve (12) home ownership units in six (6) townhouse-style structures, and two hundred and seven (207) rental units in a single four-story structure for a total of two hundred and nineteen (219) units located at the Property (the “Project”).
2. The Board’s public hearing on the Application was duly opened on September \_\_, 2016. On October 6, 2016 the Board submitted a notification to the Applicant pursuant to 760 CMR 56.03(8) that it met the 1.5% Land Area Minimum Safe Harbor. On October 21, 2016 the Applicant appealed the Board’s determination to the Department of Housing and Community Development (“DHCD”). On November 17, 2016 the DHCD issued a decision ruling that the Board’s Safe Harbor notification was in error, and determining that no such safe harbor was applicable. The Board timely appealed this decision to the Housing Appeals Committee (the “HAC”). On October 15, 2019 the HAC issued a decision upholding the determination of the DHCD, and remanding the matter back to the Board. At the request of the Applicant, the hearing was resumed on December 10, 2019. At the December 10, 2019 hearing, the Applicant requested a further delay of public hearings until April 14, 2020. Due to the onset of the COVID-19 pandemic, the hearing did not actually resume until August 25, 2020. Subsequent



sessions of the public hearing were held on October 13, 2020, November 24, 2020, December 8, 2020, December 22, 2020, January 26, 2021, February 16, 2021, March 11, 2021 and \_\_\_\_\_, 2021. The public hearing was closed on \_\_\_\_\_, 2021.

3. The Project is located on the Property, which is located off Dorothy Road and Parker Street, Arlington, Massachusetts. The Project is located on a 17.7 acre parcel of land located between Concord Turnpike (Route 2) to the south and residential neighborhoods to the north and east of the Property, off Dorothy Road and Parker Street. The Property is bordered to the east by Burch Street and the Arlington Thorndike playing fields. The Property is located within the Planned Unit Development (PUD) Zoning District.
4. The Property is located in the Planned Unit Development (PUD) Zoning District. Nearby uses consist of residential uses along Dorothy Road and Parker Street, Salem Street, and Thorndike Field, located to the west of the Property.
5. The Property consists of approximately 17.7 +/- acres, of which 11.5 acres consist of floodplains, while 5.6 acres consist of buildable upland.
6. The Applicant provided various materials, reports, studies, and revised plans throughout the course of the public hearing on the Application.
7. The Applicant submitted revised plans on November 3, 2020 reducing the number of units in the Project to one hundred and seventy-six (176) units. This revision also eliminated the six (6) two-family townhouse structures originally proposed by the Applicant, in favor of an all-rental development in a single structure.
8. The Applicant submitted revised architectural plans dated February 16, 2021, revising the proposed rental structure to step-back above the first two floors of the structure along Dorothy Road near abutting single-family residences, and reducing the total number of units to 172.
9. During the public hearing, the Applicant was assisted primarily by its principals Gwen Noyes, Arthur Klipfel, its counsel Stephanie Kiefer of Smolak and Vaughan, LLP, its civil engineer John Hession, P.E., of BSC Group, and its traffic engineer Scott Thornton, P.E., of Vanasse and Associates, Inc.
10. The Board utilized the services of its review engineers BETA Group, Inc., with Marta Nover, Julia Stearns, Todd Undzis, P.E., and William McGrath, P.E. handling civil engineering and wetlands peer review, and Greg Lucas, P.E., PTOE, for traffic. The Board also utilized the services of Town Counsel Douglas Heim, Esq., Planning Director Jenny Raitt, and other town staff. The Board was

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also represented during the course of the hearing by Special Town Counsel Jonathan Witten, Esq. of KP Law, and Paul Haverty, Esq., of Blatman, Bobrowski & Haverty, LLC as its Chapter 40B technical consultant through a grant from the Massachusetts Housing Partnership.

11. During the public hearing, there was significant public input [and strong local opposition](#). The Board heard input from abutters and other interested persons throughout the hearing process. The Board also heard significant input from town departments, including the [Arlington Redevelopment Board](#), the Conservation Commission, the Department of Planning and Community Development, the Transportation Advisory Committee, Select Board, and Engineering Division. The Board also received significant input from the Arlington Land Trust and the Mystic River Watershed Association, both independent local non-profits. [Additionally, the Board received correspondence from the Town's State House delegation.](#)

## II. JURISDICTIONAL FINDINGS

12. The Applicant has demonstrated its eligibility to submit an application for a Comprehensive Permit to the Board, and the development fulfills the minimum project eligibility requirements set forth in 760 CMR 56.04(1) as follows:
- a. The Applicant is a limited liability company, and has indicated in its application that it will conform to the limited dividend requirements of G. L. 40B, §§ 20-23, thus establishing it is a limited dividend entity. The Applicant has a principal address of 222 Berkley Street, Boston, MA 02116.
  - b. The Applicant has received a written determination of Project Eligibility from MassHousing dated December 4, 2015 under the New England Fund Program, a copy of which was provided to the Board with the original application. [The Board subsequently contacted MassHousing regarding the changes to the development, asking for a determination pursuant to 760 CMR 56.04\(5\). MassHousing submitted a written determination dated March 23, 2021 determining that the changes to the development did not constitute a substantial change pursuant to 760 CMR 56.04\(5\). The Board reserves all of its rights regarding this determination.](#)
  - c. The Applicant provided deeds dated September 8, 2015, recorded in the Middlesex South in Book 1479, at Page 27. Thus, the Applicant has shown evidence of site control sufficient to qualify as an applicant for a Comprehensive Permit.

- d. The Applicant has agreed to execute a Regulatory Agreement that limits its annual distributions in accordance with G. L. c. 40B and the regulations (760 CMR 56.00 et seq.) and guidelines adopted thereunder by DHCD.
13. The Town of Arlington ("Town") did not meet the statutory minima set forth in G. L. c. 40B, § 20 or 760 CMR 56.03(3) to 56.03(7) at the time the original application was filed, except as noted below:
- a. At the time of the filing of the Application, the number of low or moderate income housing units in the Town constituted 5.64% of the total year-round housing units in the Town, based on the most recent publicly available copy of the DHCD Subsidized Housing Inventory, dated \_\_\_\_\_. Thus, the Town does not meet the ten percent (10%) statutory minimum.
  - b. The Board has asserted a claim that there are existing affordable housing units that are on sites that comprise more than one and one half percent (1.5%) of the total land area of the Town that is zoned for residential, commercial or industrial use (excluding land owned by the United States, the Commonwealth of Massachusetts, or any political subdivision thereof). The Board timely asserted this claim pursuant to 760 CMR 56.03(8). The Applicant appealed this claim to the Department of Housing and Community Development, which issued a decision dated November 17, 2016, reversing the Board's Safe Harbor determination. The Board appealed this decision to the Housing Appeals Committee. On October 15, 2019, the Housing Appeals Committee upheld the decision of the Department of Housing and Community Development. Because this decision was not a final decision, the Board was not able to pursue an appeal pursuant to G. L. c. 30A, § 14 at this time. The Board reserves its rights regarding this Safe Harbor claim.
  - c. The granting of this Comprehensive Permit will not result in the commencement of construction of low or moderate income housing units on a site comprising more than three tenths of one percent of land area in the Town or ten acres, whichever is larger, zoned for residential, commercial or industrial uses (excluding land owned by the United States, the Commonwealth of Massachusetts or any political subdivision thereof) in any one calendar year.
  - d. The Town has an approved Housing Production Plan pursuant to 760 CMR 56.03(4), but is not currently within (or eligible for) certification.

- e. The Town has not achieved recent progress toward its housing unit minimum pursuant to 760 CMR 56.03(5).
- f. The Project as originally submitted does not constitute a Large Project pursuant to 760 CMR 56.03(6).
- g. The Applicant's Comprehensive Permit Application does not constitute a Related Application pursuant to 760 CMR 56.03(7).

### III. FACTUAL FINDINGS

#### Location of Project

14. The Project is located on a low-lying 17.7 acre parcel of land located between Concord Turnpike (Route 2) to the south and west and single and two-family residential neighborhoods to the north and east of the Property. The Property is bordered on the north by Dorothy Street and on the east by Burch Street and and and the Arlington Thorndike playing fields. The Property is also located in close proximity to Littlejohn Street. The Property is located within the Planned Unit Development (PUD) Zoning District. While the Property is a 0.7 mile (13 minute) walk from the Alewife MBTA station, there is no direct access to the station or the transit-oriented development around it. Automobile traffic must access the site via Lake Street, one of the most congested thoroughfares in Arlington, and a network of narrow, 25-foot local roads. The local road network is stressed even in the absence of the Project by the cut-through pressure exerted by the congestion on Lake Street. There is no direct automobile access from the Property to Route 2.
15. The location of the Project presents several major problems that make reconciling and balancing local needs, including the local need for affordable housing, uniquely difficult. These problems include repeated and severe flooding that will certainly be exacerbated in the future by rapid climate change; the presence of extensive wetlands and related resource areas on the majority of the site; decades of neglect that have resulted in serious degradation of the Property; the Project's isolation from the transit-oriented development in the immediate vicinity of the Alewife MBTA Station; the location of the Project in a uniform, long-established residential neighborhood that is much smaller in scale; and the poor performance of Lake Street and the surrounding network of local roads from both a traffic and safety point of view. If the Property were larger, or the Project smaller, it would have been easier, though not necessarily easy, to resolve the conflict among local needs brought about by these difficulties. As it is, the Project is uniquely challenging.

**Deleted:** , off Dorothy Road and Parker Road.  
The Property is bordered to the east by Burch Street

**Comment [PH1]:** Should we discuss the fact that earlier proposals suggested the possibility of a direct connection to Route 2, but that such direct connection has not materialized?

Wetlands and Flooding

16. The Property is located in an area that has been historically subject to flooding. Much of the site consists of wetlands that have served as flood storage over the years, and a memorandum prepared by Weston & Sampson on behalf of the Arlington Land Trust notes that “there is concern that developing on the wetland will exacerbate an area that has already experienced extreme flooding events in recent decades.” The Weston & Sampson memorandum includes several impressive images of such floods. While those photographs picture nearby locations, and not the Property itself, no one disputes the occurrence of severe flooding on the Property also. Abutters have informed the Board that they have witnessed such flooding. It is important to note that the Project, while on the highest part of the Property, is also susceptible to flooding, necessitating compensatory flood storage.
17. The neighborhood north and west of the Property is also subject to flooding. Neighbors are deeply concerned that development of the Property will exacerbate the flooding that they already experience.
18. Climate change will predictably aggravate the historical flooding problem. Climate change will strengthen storms and create more and more severe precipitation events. Recent data already show heavier rainfall than older data, and the situation will inevitably get worse. Addressing flooding in the era of climate change requires designing, not for the past, or even the present, but for the future. Resiliency is a key local concern.
19. Sea level rise and storm surge present additional dangers. There is a substantial possibility that the Amelia Earhart Dam in Somerville and Everett will be flanked or overtopped in the next thirty to forty years. This could lead to reversed flows on the Mystic River and its tributaries and severe flooding upstream. The risk of this regional catastrophe may not be much influenced by this Project. Here the key issue is whether the project design is sufficient to protect the persons and property of residents of the proposed apartments as well as neighbors. This is an additional aspect of the challenge of resiliency.
20. As important as flood storage is, the wetlands on the site serve other important values as well, as neighbors have pointed out. In recognition of the strong local interest in protecting wetlands as an environmental resource, Arlington’s Wetland Bylaw goes beyond the state Wetland Protection Act in a number of respects, protecting some additional resource areas and requiring 2:1 (as opposed to 1:1) compensation for areas that are disturbed. Application of the local bylaw has been complicated in some instances by practical difficulties in determining the location of some jurisdictional wetlands.

21. It is important to note the Property is not in pristine condition. It has been neglected for many years. In that time, construction and other debris has been deposited in many areas of the site. Invasive vegetative species have taken root. Historic wetlands have been filled and further obscured by overgrowth. More recently, an encampment of homeless people has been established on the Property, which has resulted in sanitation and other issues. While portion of the site that is not proposed for development (the "Conservation Area") has a great deal of potential for passive recreation, environmental education, a connection to the Minuteman Trail and more, a substantial investment will be required to remediate past neglect before that potential can be realized. Unfortunately, even after months of public hearings, the condition of Conservation Area has never been adequately researched or determined.

A Special Challenge: Neighborhood Compatibility

22. While other parts of the Property are closer, the area proposed for development is about a 0.7-miles walk from the entrance to the Alewife MBTA station. The building proposed by the Applicant would be transit-oriented in the sense that many residents will be attracted to living there by the relative proximity to the subway station.

23. When we look more closely at land-use patterns, however, the picture is more complicated. The conventional image of a transit-oriented development would have relatively high-density housing and other uses near the transit station tapering off to lower densities at the edges. There would be a transition to other uses, including lower density residential uses, just beyond. We would expect a high degree of integration within the transit area: transportation connections, retail outlets, services, restaurants, park and recreation areas, and more. The area on the Cambridge side of Route 2 does show a pattern of this sort. The Arlington side of Route 2 does not.

24. In effect, Route 2 acts as a wall between the transit-oriented development south of the Property and the relatively low-density residential neighborhoods of Arlington. The Project is hard to see as a logical extension of the Alewife transit area. It is cut off by the freeway and by the Conservation Area. To neighbors, the Project sets an incongruous urban building down in the middle of a radically different suburban neighborhood. Many residents have described the proposed apartment building as an "invader" in their neighborhood. While conflicts over the density of proposed developments under Chapter 40B are not unusual, this Project presents this conflict in a particularly intense form. If compatibility with the existing neighborhood is a significant consideration, it surely must be so in this case.

25. The peculiar geography in the Alewife area makes the problem of compatibility with the surrounding neighborhood extremely difficult. Managing the transition from an isolated, massive apartment building to a neighborhood of single- and two-family houses of modest scale is a daunting design challenge.
26. This design challenge is made much more difficult by the fact that the arguably developable part of the site is small compared to the Conservation Area and is located in the existing neighborhood. Better solutions might be found if the developable Property were larger or the proposed Project smaller. As it is, however, there is a sharp conflict between preserving wetlands and preventing flooding, on the one hand, and compatibility with the surrounding neighborhood, on the other.  
  
The Transportation Network
27. We would usually expect access to a project of the size proposed by the Applicant to be available via multiple connections. That is not the case here. All automobile traffic accessing the Project site must travel on Lake Street, one of the most congested streets in Arlington. From Lake Street one must then go through narrow residential side streets to the entrance to the proposed apartment building, located at the corner of Littlejohn Street and Dorothy Road.
28. Lake Street is a major commuting route between Route 2 and Massachusetts Avenue. It also provides access to the Hardy School, a K-5 grammar school serving residents of East Arlington, and to Thorndike Field, a heavily used field for sports teams and recreation activities. The use of Thorndike Field overlaps with the evening commute.
29. Because of the Coronavirus pandemic, it is impossible to measure the traffic situation on Lake Street directly. It is possible to adjust data from studies done prior to the epidemic to arrive at a reasonable estimate of the conditions that will return with more normal commuting patterns. Historical data show that Lake Street has had extensive traffic back-ups during morning and evening rush hours, and that condition is likely to return during the post-Covid period. Thus for example, all of the Lake Street intersections studied in these hearings are expected to operate at Level of Service E or F even in the absence of any significant new development. Delays at these intersections are noted as exceeding 50 seconds, the longest delay time measurement.
30. The congestion on Lake Street affects the surrounding neighborhood streets as well. [Develop] Signs are already posted to prevent Lake Street traffic from turning into neighborhood during rush hour to try and bypass the delays on Lake

Street. Additional burdens on the already over-burdened Lake Street are bound to cause additional problems. These problems will affect families of students at Hardy School, contestants at the Thorndike athletic fields, commuters both by auto and by transit, residents on the streets surrounding the Project, and residents of the project as well.

31. These problems also make it difficult to integrate the Project into the Alewife transit station neighborhood. The overload of the Lake Street transportation system exacerbates the isolation of the Project from the Cambridge transit development area nearer to Alewife Station. It may be difficult, for example, for local shuttle service to reach the proposed project because of the difficulty of access in morning and evening rush hours. In effect, congestion on Lake Street may serve as a continuation of the wall that isolates the Project from the transit development area of which it should logically be a part.
32. All of these factors – flooding and wetlands, acute neighborhood compatibility issues, and nonfunctional transportation infrastructure – when combined with a limited amount of land and a commitment to a large Project, makes for a daunting problem of design. The Applicant’s challenge is to put together a Project that solves that problem in a pragmatic way, so that the Board can decide whether the Project, with appropriate conditions, meets local needs.

Civil Engineering, Site Design, and Stormwater Impact

33. The Board engaged in review of potential civil engineering, site design, traffic, stormwater and floodplain impacts of the Project.
34. The Project will connect to the Arlington municipal water and sewer systems.
35. The Applicant originally proposed 315 parking spaces for the Project, a ratio of 1.44 parking spaces per unit. The Applicant subsequently reduced the parking ratio to 193 spaces, or approximately 1.12 spaces per unit. The Arlington Transportation Advisory Committee recommended that, as a Transit Oriented Development, the Project should not have more than one (1) parking space per unit.
36. The Applicant did not originally propose bicycle parking. With the reduction in the number of units, the Applicant revised the number of proposed bicycle spaces to 176 interior spaces with an additional 16 exterior spaces. The Applicant also proposes a 23 dock Blue-Bike Station to be located.
37. On-site amenities will include recreational areas and structures as shown on the Approved Plans, referenced below.



38. Approximately \_\_\_\_% of the site will consist of impervious surface with the remainder consisting of pervious surface. The Board finds that the total amount of impervious area is \_\_\_\_\_.
39. Based on the submitted plans, the floor area of the proposed subterranean parking garage is approximately 70,920 square feet. In the event of a basement flood, every 15" of water represents 660,000 gallons of water, the volume of an Olympic-sized swimming pool. To prevent this occurrence, the Applicant has proposed temporary flood barriers to be installed at the driveway entrance to the garage.
40. The Board finds that the tree planting and landscaping details proposed by the Applicant, and as conditioned by this decision, is insufficient in light of the site disturbance that the Project will entail. Given the extent of vegetation proposed to be removed within a resource area (BLSF) and AURA, the Applicant must provide a Landscape Plan as described in Section 24 and should include the elements described in the guidance provided in Section 24 E as follows:
- a. Narrative describing existing conditions, proposed plantings, list of existing and proposed species, size of existing species and proposed species, quantity plants before and after revegetation and the rational the removal and maintenance plan.
  - b. Affirmation of the Revegetation Activities, all plans must be accompanied by written testimony and scale diagram from a certified arborist or wetland scientist or landscape architect. The document must include at a minimum the necessity of vegetation removal, surface area to be removed, quantity of individual plants by species.
  - c. Planting Plan – drawn to scale, properly identified resource area and buffer zone and the project site, location of replacement species, comply with (AAN), erosion controls, estimated tree canopies after 15 years of growth, name, sizes and locations of trees to be planted, and total area of SF of the area shaded by the canopies.
  - d. Existing species list.
  - e. Replacement species list,
  - f. Rational for Removal,
  - g. Maintenance Plan.
  - h. The Plan shall include monitoring reports submitted annually in June for a three-year monitoring period. The reports shall include photo documentation, the health of new plantings and any mitigation. This report can be combined and submitted with the ISMP report.
41. Add language regarding flooding history in neighborhood.

**Comment [PH2]:** This section needs to be moved into the conditions.

42. [Add language re access via Lake Street and describing history of neighborhood.](#)
43. Stormwater management has been designed in compliance with the Mass Stormwater management standards in accordance with 310 CMR 10.05(6)(k) through (q) and defined in detail in the MassDEP Stormwater Management Handbook. The system incorporates best management practices (BMP's) to facilitate total suspended solids (TSS) removal, infiltration and detention of stormwater flows.
44. The Board finds that the Applicant must provide a Compensatory Flood Storage Mitigation Plan for the proposed compensatory flood storage area to mitigate the negative environmental impacts associated with vegetation removal and grading to create this new flood storage area. Said Plan shall provide the following:
- a. A minimum ratio of 2:1 cubic feet of compensatory flood storage of a volume not previously used for flood storage and shall be incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project.
  - b. With at least a 3-year monitoring schedule with a 100% survival rate.
  - c. Only native non-cultivar species shall be planted on the site.
  - d. Plants shall be installed and maintained in accordance with standards of the American Association of Nurserymen (AAN).
  - e. A monitoring report shall be submitted annually in June for the three-year monitoring period. The report shall include the health of the new plantings and the success of the invasive plant management. The report shall include photo documentation and yearly recommendations for future success.
45. The Board finds that the Applicant must provide adequate quantity of vegetation and that said vegetation shall be maintained to provide the resource area values protected by the Bylaw. Further, the Applicant shall submit an Invasive Species Management Plan for work in the AURA and other resource areas which identifies the location of invasive species management, species and quantities of invasive plants to be managed, and methods of removal and control of each species.
46. The Board finds that the Applicant must abide by the requirement that no work activities are authorized nor shall occur within the 25-foot No Disturb Zone of Isolated or Bordering Vegetated Wetlands on the Site.
47. The Project, as conditioned herein, will address the lack of affordable rental units in the Town.

48. The Board heard testimony from the Applicant and the Board's peer review traffic consultant, including the Applicant's Traffic Impact Study prepared by Vanesse Associates, Inc., that the Project is expected to result in approximately thirty-one (31) vehicle trips during the weekday morning peak hour and approximately thirty-eight (38) vehicle trips during the weekday afternoon peak hour. There will be an estimated four hundred, eighty-six (486) total vehicle trips on an average weekday. These figures are based upon the proposal for one hundred, seventy-six (176) units.
49. During the course of the hearing, the Applicant submitted a plan showing a reduction in the number of rental units to one hundred and seventy-six (176) units. The Applicant introduced further modifications to its design during the hearing process which further reduced the number of units to one hundred and seventy-two (172) units. [The purpose of this reduction was to reduce massing along Dorothy Road.](#)
50. The Board finds that the conditions imposed in Section IV of this Decision are necessary in order to address Local Concerns. The Board finds that such conditions will not render the project uneconomic. To the extent that such conditions may render the project uneconomic (as defined in 760 CMR 56.02), the Board finds that the Local Concerns outweigh the potential benefits of the proposed affordable units.
51. The Board finds that granting certain waivers from local by-laws and regulations is acceptable even though granting waivers may have an adverse impact on Local Concerns.
52. The Board acknowledges concerns raised by abutters and other interested parties about the Project's potential incompatibility with abutting residential uses, particularly relating to stormwater and floodplain impacts, as well as traffic and parking impacts. The Board has addressed these concerns by the imposition of appropriate conditions. The Board further finds that conditions detailed below appropriately address these matters of local concern in a manner that outweighs the regional need for affordable housing. The Board finds that the conditions imposed below address local and regional housing needs while properly protecting valid issues of local concern.
53. The Board finds that the construction of the Project, as conditioned, will be consistent with local needs.
54. The Applicant has proposed that the portion of the Property outside of the development area, shown on the plans as containing approximately [12.5](#) acres will

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be either placed under a conservation restriction or deeded to the Town. The Applicant has proposed a one-time payment of \$100,000, plus annual payments of \$25,000 for a period of ten (10) years for cleaning up the existing debris and invasive species on this portion of the Property.

55. [The Town has expressed significant concern regarding the existing condition of the proposed Open Space parcel, which will require extensive clean-up relating to years of illegal dumping, and which will require a site assessment pursuant to G.L. c. 21E before any action may be taken.](#)

#### IV. CONDITIONS

##### A. **General**

- A.1 The holder of this Comprehensive Permit is Arlington Land Realty, LLC. The Property is defined as the property located between Concord Turnpike (Route 2) to the south and residential neighborhoods to the north and east of the Property, off Dorothy Road and [Parker Street](#), shown on a plan entitled “Thorndike Place Comprehensive Permit, Dorothy Road, Arlington, Massachusetts” prepared by BSC Group, dated March 13, 2020, with revisions through November 3, 2020. The Project is defined as all features shown on the plans listed below in Condition A.2 or as otherwise required by this Comprehensive Permit.

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- A.2 Except as may be provided for in the following Conditions or in the Final Plans referenced below, the Project shall be constructed substantially in conformance with the plans and drawings listed below in this Condition A.2, which for purposes of this Comprehensive Permit shall be considered the Approved Plans for the Project (“Approved Plans”). Minor changes to the Approved Plans (e.g., changes that do not materially affect the location of, or increase the height or massing of the structures, or increase the number of units contained in the residential buildings) shall be submitted to the Director of Planning and Community Development who shall have the authority to approve such changes as immaterial changes. If the Director of Planning and Community Development determines that the proposed changes do not conform to the requirements of this Comprehensive Permit, they shall so notify the Applicant and the Applicant shall either bring the plans into conformance with this Decision or seek modification in accordance with 760 CMR 56.05(11). The Approved Plans consist of the following plan set from Millennium Engineering, Inc.:

“Thorndike Place Comprehensive Permit, Dorothy Road, Arlington, Massachusetts” dated March 13, 2020, with revisions through February 16, 2021, and consisting of the following sheets:

Decision on Application for Comprehensive Permit  
Arlington Land Realty, LLC  
Off Dorothy Road, Arlington, MA  
\_\_\_\_\_, 2021

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G-100	Title Sheet
G-101	General Notes and Legend
V-100	Existing Conditions Plan
C-100	Existing Environmental Resources Plan
C-101	Site Preparation Plan
C-102	Overall Site Plan
C-103	Layout and Materials Plan
C-104	Garage Level Plan
C-105	Grading and Drainage Plan
C-106	Utility Plan
L-100	Planting Plan
C-200-203	Civil and Landscape Details

Architectural details contained in the plans entitled Thorndike Apartments, 3D Visualization, Dorothy Road Looking West, Dated November 3, 2020, with revisions through February 16, 2021, prepared by Bruce, Ronayne, Hamilton Architects, and consisting of the following sheets:

Sheet 1	Cover Sheet
Sheet 2	Garage Plan
Sheet 3	Ground Floor Plan
Sheet 4	Typical Floor Plan
Sheet 5	Fourth Floor Plan
Sheet 6	East/West Elevation
Sheet 7	North Elevation
Sheet 8	South Elevation
Sheet 9	Schematic Building Section

- A.3 The Applicant shall be a Limited Dividend Entity as required by Chapter 40B and its successors and assigns shall comply with the limited dividend and other applicable requirements of Chapter 40B and the regulations adopted thereunder.
- A.4 The Project shall consist of not more than \_\_\_\_\_ ( ) rental apartment units, located in a single residential structure, and other related residential amenities, all as shown on the Approved Plans. The Project shall consist of no more than \_\_\_\_\_ ( ) bedrooms.
- A.5 There shall be \_\_\_\_\_ ( ) vehicle parking spaces (inclusive of required handicap spaces).

- A.6 Pursuant to the revised Waiver List submitted to the Board and attached hereto as Exhibit A, the Applicant has requested, and the Board has granted, those waivers from the Arlington Zoning Bylaw and other local by-laws and regulations as specified therein. No waivers are granted from requirements that are beyond the purview of G.L. c. 40B, §§ 20-23. No waiver of permit or inspection fees has been granted. Any subsequent revision to the Approved Plans, including but not limited to revisions in the Final Plans, referenced below, that requires additional or more expansive waivers of any local by-laws or regulations, must be approved by the Board in accordance with 760 CMR 56.05(11).
- A.7 Except as otherwise specifically provided herein, where this Decision provides for the submission of plans or other documents for approval by the Director of Planning and Community Development or other Town Departments, the Director of Planning and Community Development or applicable Department Head will use reasonable efforts to review and provide a written response within forty-five (45) days following submission. For submissions that require assistance from an outside consultant, as determined by the Director of Planning and Community Development or applicable Department Head, the thirty-day time period shall not begin until the consultant's fee has been fully funded by the Applicant. Should forty-five (45) days elapse without a response as aforesaid, said plans or documents shall be deemed approved.
- A.8 This Comprehensive Permit may be subsequently assigned or transferred pursuant to 760 CMR 56.05(12)(b). The pledging of the Property as security under any conventional loan financing terms as set forth in the financing entity's Loan Documents or any foreclosure sale pursuant to the same shall not constitute an assignment or transfer under this paragraph.
- A.9 The provisions of this Comprehensive Permit Decision and Conditions shall be binding upon the successors and assigns of the Applicant, and the obligations shall run with the land. In the event that the Applicant sells, transfers, or assigns its interest in the development, this Comprehensive Permit shall be binding upon the purchaser, transferee, or assignee and any successor purchasers, transferees or assignees. The applicable limited dividend restrictions shall apply to the owner of the project regardless of sale, transfer, or assignment of the project.
- A.10 The sidewalks, driveways, roads, utilities, drainage systems, and all other on-site infrastructure shown on the Approved Plans as serving the Project shall remain private in perpetuity, and the Town shall not have, now or in the future, any legal responsibility for the operation or maintenance of the infrastructure, including but not limited to snow removal, landscape maintenance, and hydrant maintenance. In this regard, the proposed site access road within the Project shall not be dedicated to or accepted by the Town.

- A.11 Unless otherwise indicated herein, the Board may designate an agent to review and approve matters on the Board's behalf subsequent to this Decision.

**B. Affordability**

- B.1 Except as may otherwise be allowed by the Subsidizing Agency MassHousing or other Subsidizing Agency, pursuant to the applicable subsidy program, a minimum of twenty-five percent (25%) or \_\_\_\_\_ ( ) units of the rental units shall be reserved for income-eligible households, meaning that they shall be rented to and occupied by households, as proposed by the Applicant, whose income (adjusted for household size) is not more than eighty percent (80%) of the Area Median Income ("AMI"), as determined by the United States Department of Housing and Urban Development ("HUD") and the Subsidizing Agency (the "Affordable Units"). Affordable Units shall, upon initial designation, be dispersed throughout the Project in accordance with the guidelines of the Subsidizing Agency, except for fluctuations based on changes of household eligibility income allowed by the Regulatory Agreement. The Applicant shall be responsible for maintaining records sufficient to comply with the Subsidizing Agency guidelines for the location of Affordable Units in the Project and occupancy of such Affordable Units by income-eligible households. As will be set forth more fully in the Regulatory Agreement, the location of the affordable units may change in the event that the income of a household occupying an affordable unit increases beyond allowable program limits. The Board acknowledges that affordable unit location is an issue within the exclusive jurisdiction of the Subsidizing Agency.
- B.2 All of the Project's Affordable Units shall be restricted for rental to households earning no more than the maximum allowable household income, adjusted for household size, as determined by MassHousing or any substitute Subsidizing Agency. The Affordable Units shall be maintained as affordable in perpetuity, which for the purposes of this Decision shall mean for so long as the Property does not comply with applicable zoning requirements without the benefit of this Comprehensive Permit.
- B.3 The Applicant shall obtain approval by the Subsidizing Agency of an Affirmative Fair Housing Marketing Plan ("AFHMP") prior to the rental of any Affordable Units, and shall ensure that the Project complies with the Subsidizing Agency's Fair Housing requirements.
- B.4 For the initial rent-up of the Project, the maximum number of Affordable Units allowed by law and the applicable subsidy program, but not more than seventy percent (70%) of the Affordable Units, shall be reserved for households that

qualify under a local preference definition which must be approved by the Subsidizing Agency prior to any marketing efforts as part of the AFHMP. A lottery shall be established in a form approved by the Subsidizing Agency and/or the Project's Monitoring Agent to effectuate this local preference, with an approved secondary lottery for all other Applicants. The Applicant shall assist the Department of Planning and Community Development in the submittal of any evidence required by the Subsidizing Agency to support this local preference requirement. The Board acknowledges that it will be required to provide evidence satisfactory to the Subsidizing Agency of the need for the foregoing local preference and to obtain approval of the categories of persons qualifying for the same, and in no event shall the Applicant be in violation of the terms of this Comprehensive Permit to the extent the Subsidizing Agency disapproves the local preference requirement or any aspect thereof. The Applicant shall provide reasonable and timely assistance to the Department of Planning and Community Development in providing this evidence. If the Board or its designee does not provide such information within sixty (60) days of a written request by the Applicant, its Lottery Agent, the Subsidizing Agency, then this condition shall be void unless the Applicant has failed to provide reasonable and timely assistance as described above.

**C. Submission Requirements**

- C.1 Prior to any construction or site development activities (including site clearing, tree removal, grading, etc.) on the Property, whether or not pursuant to a building permit (except as allowed by the Director of Planning and Community Development, as noted below), the Applicant shall:
- a. Deliver to the Board a check in a reasonable amount determined by the Director of Planning and Community Development to be used for staff to retain outside experts, if necessary, for technical reviews and inspections required under these conditions but at inception shall not exceed \$6,500 unless an alternate amount has been agreed upon by the Board and the Applicant. Said funds shall be deposited by the Board in an account pursuant to G. L. c. 44, § 53G and shall only be used for technical reviews and inspections associated with this Project. Any unspent funds shall be returned to the Applicant with accrued interest at the completion of the project. If at any time the Board reasonably determines that there are insufficient funds to cover the costs of technical reviews, it shall inform the Applicant and the Applicant shall forthwith deliver additional funds as specified by the Board in a reasonable amount as may be determined by the Board. Said funds may be used by the Board to hire civil engineering, traffic engineering, and/or other professionals that the Board deems reasonably necessary to ensure compliance with the conditions hereof.



- b. Obtain and file a copy of a National Pollution Discharge Elimination System (NPDES) Permit from the U.S. Environmental Protection Agency (EPA), if necessary. The Board shall also be provided a copy of the Stormwater Pollution Prevention Plan (SWPPP) submitted along with the NPDES filing.
- c. Submit to the Board for review and administrative approval Final Engineering Drawings and Plans ("Final Plans"), such approval to be that the plans conform to the requirements of this Comprehensive Permit and incorporate the relevant conditions herein. The Final Plans shall also incorporate all relevant conditions and requirements of permitting agencies having jurisdiction. Applicable sheets of the Final Plans shall be signed and sealed by the Professional Land Surveyor of record, the Professional (Civil) Engineer of record, and a Registered Landscape Architect. Final Architectural Plans shall be stamped by a Registered Architect. The Final Plans shall be submitted to the Board at least forty-five (45) days prior to the anticipated date of commencement of building construction or submission of an application for building permits, whichever is earlier (the "Final Site Plan Submission Date").
- d. Submit to the Board for its administrative approval, a landscaping plan with the Final Plans, signed and sealed by a Registered Landscape Architect, depicting the following:
  - i. Overall planting plan that includes a demarcation of clearing and the limits of work;
  - ii. Planting plans for drives showing shade trees and lighting fixture locations;
  - iii. Plans of walkways in open space and recreation areas;
  - iv. Prototype planting plans for each building that include shade trees (minimum caliper 3"), ornamental trees (minimum caliper 3"), shrubs, and groundcovers;
  - v. Prototype screening plans for dumpsters, depicting plantings and fencing;
  - vi. Planting details for coniferous and deciduous shade trees (minimum caliper 3"), ornamental trees (minimum caliper 3"), and shrubs;

- vii. Planting schedules listing the quantity, size, height, caliper, species, variety, and form of trees, shrubs, and groundcovers;
- viii. Tree protection and preservation plans
- ix. Construction fencing along abutting property lines; and
- x. Construction details.

All plantings shall consist of native, non-invasive, drought-tolerant species. Plantings installed along drives and walkways shall also be salt-tolerant. The final landscaping plans shall preserve the existing perimeter tree cover to the greatest extent practicable. Twelve (12) months after completion of plantings, the Applicant shall remove and replace any dead or diseased plantings and trees serving as screening. The contract with the Management Company shall address ongoing maintenance of landscaping features.

- e. The Board finds that the Applicant must provide a Compensatory Flood Storage Mitigation Plan for the proposed compensatory flood storage area to mitigate the negative environmental impacts associated with vegetation removal and grading to create this new flood storage area. Said Plan shall provide the following:
  - a. A minimum ratio of 2:1 cubic feet of compensatory flood storage of a volume not previously used for flood storage and shall be incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project.
  - b. With at least a 3-year monitoring schedule with a 100% survival rate.
  - c. Only native non-cultivar species shall be planted on the site.
  - d. Plants shall be installed and maintained in accordance with standards of the American Association of Nurserymen (AAN).
  - e. A monitoring report shall be submitted annually in June for the three-year monitoring period. The report shall include the health of the new plantings and the success of the invasive plant management. The report shall include photo documentation and yearly recommendations for future success.

- f. Submit to the Director of Planning and Community Development a construction mitigation plan including, but not limited to, dust control measures, fill delivery schedules, stockpiling areas, and like matters. Other than site work and such other work as may be authorized in writing by the Director of Planning and Community Development, no other construction of units shall commence and no building permits shall be issued under this Comprehensive Permit until the Director of Planning and Community Development and other applicable staff has approved the Final Plans as being in conformance with this Decision. If no written response or comments have been given to the Applicant by the Building Commissioner and/or Director of Planning and Community Development concerning the Final Site Plans within forty-five (45) days after the Final Site Plan Submission Date, the Final Plans, as delivered, will be deemed to have been approved.
- g. The Applicant shall include on the Final Plans all of the various changes that have occurred during the hearing process. These plans should reflect the changes to number of units, site plan changes including but not limited to surface parking, proposed grading, stormwater systems, garage elevation, location of tot lot, and other relevant site features.
- h. The Final Plans shall include final design and details for the proposed roof stormwater storage system. This is to include impacts from potential changes to the roofline along Dorothy Road and Littlejohn Street. The limits of rooftop storage shall be delineated and the outlet control for the rooftop storage is to be detailed.
- i. The Final Plans shall have labeled the dimensions of the proposed rip-rap and provide a detail. The rip-rap dimensions shall be provided in calculations submitted as part of the Stormwater Report dated January, 2021.
- j. The Final Plans shall show designated snow storage areas. The Applicant has indicated in their February 16, 2021 response letter that snow storage will be to the west of the surface parking and within the landscape areas at the courtyard entrance and adjacent to the courtyard entrance.
- k. The Final Plans shall include the detail of the Outlet Control Structure shown on Sheet C-203 to be revised to more accurately depict that the invert of the 12" outlet pipe is at the top of the 30" inlet and to show the installation of the proposed backflow preventer.

- l. Provide a Compensatory Flood Storage Mitigation Plan for the proposed compensatory flood storage areas, to mitigate the environmental impacts associated with vegetation removal and grading to create the new flood storage area.
- m. The Applicant must provide notification to the Arlington Assessor's Office for address and unit numbering.

C.2 Prior to the issuance of any building permits, the Applicant shall:

- a. Record this Comprehensive Permit and the Subdivision Plan endorsed by the Board with the Middlesex South Registry of Deeds, at the Applicant's expense, and provide proof of such recording with the Board.
- b. Submit to the Board and the Director of Planning and Community Development evidence of Final Approval from the Subsidizing Agency (DHCD), as required by the Project Eligibility letter and the Chapter 40B regulations.
- c. Submit to the Board a copy of the Regulatory Agreement and Monitoring Services Agreement for the Project. Execution and recording of such Regulatory Agreement with DHCD shall be complete prior to the issuance of any building permit. It is understood and agreed that Monitoring provisions may be included with the Regulatory Agreement, in lieu of a separate Monitoring Services Agreement.
- d. Submit to the Building Commissioner final Architectural Plans prepared, signed and sealed by an architect with a valid registration in the Commonwealth of Massachusetts ("Architectural Plans"). The Architectural Plans shall be submitted in such form as the Building Commissioner may request pursuant to the State Building Code.
- e. An automatic sprinkler system conforming with NFPA 13 and a fire alarm system conforming to NFPA 72 shall be required in all residential buildings. Both systems shall be monitored by a UL approved central station monitoring service.
- f. Obtain and file with the Building Commissioner a copy of all required Federal, State, and local permits and approvals required to begin construction of the Project.
- g. Obtain all necessary building, electrical, plumbing, and associated permits required to begin construction of the Project required by state law.

- h. The Applicant will be responsible for all applicable sewer permit, capacity impacts and privilege fees, as applicable.
- i. The Applicant will be responsible for all applicable water and sewer system fees as per officially promulgated fee schedules uniformly applicable to all other Town of Arlington projects.
- j. Submit to the Board a revised Stormwater Report documenting the various changes in design that have occurred during the hearing process.
- k. The Applicant shall perform additional test pits at the proposed stormwater basins to confirm groundwater elevations. These test pits shall be done during seasonal high groundwater conditions and shall be witnessed by the Town and/or its agent.
- l. The Applicant shall provide calculations to confirm that the proposed trench drain gate at the drop-off area at the front of the proposed residential structure (Subcatchment 4S) has the capacity to capture all runoff without bypass to Dorothy Road. The stormwater design for the trench drain assumes that no runoff bypasses the drain and enters Dorothy Road. However, the calculated runoff for the 100-year storm is 1.3 cfs. If the Applicant is unable to provide calculations confirming that Subcatchment 4S does not have the capacity to capture all runoff without bypass to Dorothy Road, the Applicant shall revise the driveway grading so that it does not flow to Dorothy Road.

**D. Construction Completion/Certificate of Occupancy**

- D.1 Prior to issuance of a certificate of occupancy for any structure in the Project, the Applicant shall:
- a. Submit engineer's interim certification of compliance with utilities plan and profiles for such Phase (as applicable) to the Building Commissioner.
  - b. Provide a letter to the Board, signed by the Applicant's civil engineer, certifying that the structure and supporting infrastructure has been constructed in compliance with the Final Plans in all material respects.
  - c. Obtain acceptance from the Arlington Fire Department of testing of all fire protection systems, fire alarm systems, fire sprinkler systems, and local smoke alarms within the dwelling units of the structure.

- d. Obtain a sewer connection sign-off from the Arlington Department of Public Works for the structure.

D.2 Prior to issuance of the certificate of occupancy for the Project, the Applicant shall:

- a. Submit to the Board, in digital file format and full-size paper copies, a final as-built plan including profiles, showing actual-in ground installation of all applicable utilities, rim and invert elevations, roadway, sidewalk and associated construction. The file format shall be in AutoCAD file delivery shall be in full model view and individual sheet views. The digital file shall include property boundaries, dimensions, easements, rights-of-way, edge of pavement, edge of sidewalk, edge of water bodies, wetland boundaries, topographic contours, spot elevations, parking areas, road centerline and associated text. Said digital data shall be delivered in the Massachusetts State Plane Coordinate System, North American Datum 1983 and North American Vertical Datum 1988, in U.S. Survey Feet.
- b. The Applicant shall provide to the Board evidence of a property management plan (if property management will be done in-house), or shall provide a copy of a contract with a Management Company if property management will be conducted by a third-party. The Applicant shall submit to the Board all information relating to the issues of building security, public access, pet policy, staffing, trash removal, and smoking policies, and other issues addressed in the conditions herein.

**E. Project Design and Construction**

- E.1 Prior to the commencement of any work on the Property, the Applicant and the site general contractor shall attend a preconstruction conference with representatives from the Arlington Fire Department, the Department of Public Works (Arlington Water and Sewer Division and Engineering Division), Planning and Community Development and other Town staff and consultants as may be determined. The Applicant and the site general contractor shall host a meeting open to all members of the public to review the construction schedule, hours, policies, procedures, and other neighborhood impacts at least fourteen (14) days prior to the start of construction.
- E.2 Prior to the pre-construction conference, the Applicant shall submit a Construction Management Plan ("CMP") for administrative approval by the Board. The CMP shall provide documentation of various construction related activities, including:
  - 1. A Project Description and outline of primary construction tasks,

2. A Project Schedule including hours of operation, duration of primary construction tasks and estimated completion date,
  3. Project logistics, including staging areas, truck routes, laydown areas, contractor parking, and construction traffic management,
  4. Site Management including noise mitigation, dust control and security,
  5. Public Safety and Coordination, including contact information and site inspections.
- E.2 The Applicant shall permit representatives of the Board to observe and inspect the Property and construction progress until such time as the Project has been completed and the final occupancy permit issued.
- E.3 The proposed construction shall be in accordance with applicable Federal and State laws, rules and regulations.
- E.4 All site retaining walls four (4) feet or greater in height shall be designed by a Massachusetts Professional Structural Engineer.
- E.5 During construction, the Applicant shall conform to all local, State, and Federal laws and provide advance notice to abutters per the Town's Residential Construction Control Agreement regarding noise, vibration, dust, and blocking of Town roads in order to accommodate delivery of materials to the site or for other construction staging purposes. The Applicant shall at all times use all reasonable means to minimize inconvenience to residents in the general area. Adequate provisions shall be made by the Applicant to control and minimize dust on the site during construction in accordance with the construction mitigation plan. [The Applicant shall not drive piles in the construction of the building and shall use the least intrusive reasonable alternatives from the point of view of vibration, noise, and inconvenience to the neighborhood. The Applicant shall specify any methods involving subsurface compaction as part of the construction mitigation plan.](#) The Applicant shall keep all portions of any public way used as access/egress to the Project free of soil, mud or debris deposited due to use by construction vehicles associated with the Project.
- E.6 Appropriate signage shall be shown on the Final Plans, consistent with the sign information shown on the Approved Plans. A temporary sign including the name and address of the project and contact information for the Applicant, general contractor, engineers, architect, and other relevant parties shall be posted on site for the duration of construction operations. The sign must be legible and able to be read from Dorothy Road.

- E.7 The location of all utilities, including but not limited to electric, telephone, and cable, shall be shown on the Final Plans. All transformers and other electric and telecommunication system components shall be included on the Final Plans.
- E.8 The Applicant shall use natural gas for the Project, if reasonably available at the time of the submission of Final Plans. Gas service locations shall be included on the Final Plans.
- E.9 The Applicant shall install lighting on the site that conforms to the Town of Arlington's Zoning Bylaw and Town Bylaw. Lighting shall be down-lit/shielded to prevent light spillover onto surrounding properties and comply with dark sky requirements. Management of outdoor lighting shall be the responsibility of the Applicant.
- E.10 Utilities, including but not limited to telephone, electric, and cable, shall be located underground. The contract with the Property Management Company shall note that no satellite dishes shall be allowed. The general contractor shall be responsible for coordinating all subsurface work with Dig Safe prior to the commencement of any excavation.
- E.11 Soil material used as backfill for pipes, access drives, or structures shall be certified by the Geotechnical Engineer to the Building Commissioner as meeting design specifications, as applicable.
- E.12 The Applicant shall test the soil during construction to confirm soil types in the areas of the infiltration system. Such testing shall be witnessed by the Board's designee. All unsuitable material, if any, discovered in excavation for the infiltration system shall be removed and disposed of in accordance with State and local regulations.
- E.13 Construction activities shall be conducted between the hours of 8:00 a.m. and 6:00 p.m., Monday through Friday and between the hours of 9:00 a.m. and 5:00 p.m. on Saturdays, Sundays, or legal holidays. For purposes of this condition, construction activities shall be defined as: start-up of equipment or machinery, delivery of building materials and supplies; delivery or removal of equipment or machinery; removal of trees; grubbing; clearing; grading; filling; excavating; import or export of earth materials; installation of utilities both on and off the site; removal of stumps and debris; loading of construction dumpsters and erection of new structures. All off-site utility work shall be coordinated and approved by the Building Department and shall not be subject to the timing restrictions set forth above. Parking of all vehicles and equipment must be on the Property during construction.



- E.14 Burning or burial of construction or demolition debris on the site is strictly prohibited. All such materials are to be removed from the site in accordance with applicable law. During construction, the site shall be secured against unauthorized entry or vandalism by fencing, or other appropriate means, and all construction materials shall be stored or stockpiled in a safe manner. Any floodlights used during the construction period shall be located and directed so as to prevent spillover or illumination onto adjacent properties. All construction activities are to be conducted in a workmanlike manner.
- E.15 No building areas shall be left in an open, unstabilized condition longer than sixty (60) days. Temporary stabilization shall be accomplished by hay bales, hay coverings or matting. Final stabilization shall be accomplished by loaming and seeding exposed areas.
- E.16 All dumpsters serving the Project shall be enclosed and covered (with the exception of construction dumpsters used during construction). The Board shall review the dumpster location as part of the approval of the Final Plans if different from what has been shown on the Approved Plans.
- E.17 All retaining walls visible from a public way or direct abutters, as determined by the Building Commissioner based upon the time of year when such walls would be most visible, shall be constructed in an aesthetic manner. Specifically, retaining walls shall avoid the use of exposed concrete to the greatest extent practicable.
- E.18 Snow shall be stored within the areas of the Property designated on the Approved Plans. To the extent snowfall exceeds the capacity of the designated snow storage areas, the Applicant shall truck the excess snow off-site. Snow may not be placed in or adjacent to resource areas.
- E.19 The Applicant shall comply with all applicable local, state and federal requirements relating to noise from construction activities, including the regulations contained at 310 CMR 7.10 and the DEP's Noise Policy contained in DAQC Policy 90-001 as well as the Arlington Noise Abatement Bylaw contained at Title V, Section 12. The Applicant shall also implement all necessary controls to ensure that vibration from construction activities does not constitute a nuisance or hazard beyond the Property. Upon notification from appropriate municipal officials, the Applicant shall cease all construction activities creating noise in excess of state and federal standards, and shall implement such mitigation measures as is necessary to ensure the construction activity will comply with applicable State and Federal requirements.

- E.20 The Applicant is responsible for the sweeping, removal of snow and sanding of the internal roadways and driveways providing access to both the residents of the Project and emergency vehicles. Neither snow nor sand may be placed in or adjacent to resource areas.
- E.21 The Applicant shall maintain all portions of any public road, whether state or local roads, used for access to the Property by construction vehicles, free from soil, mud or debris deposited due to such use during the duration of construction.
- E.22 The Applicant shall comply with DPW requirements regarding curb-cut permits.
- E.23 To the extent earth removal is necessary, the Applicant shall prepare an earth removal plan, showing all necessary cuts and fills, and describing the number of truck trips necessary for the earth removal.
- E.24 Prior to commencing earth removal, the Applicant shall provide the Board with the results of a Phase I Site Assessment pursuant to G. L. c. 21E.
- E.25 All catch-basins shall have oil/water separators as shown on the Approved Plans.
- E. 26 Project sidewalks and pathways/walkways shall be compliant with the requirements of the Americans with Disabilities Act (“ADA”) and the requirements of the Massachusetts Architectural Access Board (“AAB”).
- E. 27 This Comprehensive Permit shall be a master permit which is issued in lieu of all other local permits or approvals that would otherwise be required, except for the issuance of Building Permits and Certificates of Occupancy by the Building Department under the State Building Code; provided, however, the Applicant shall pay all local fees for such permits or approvals as published in the Town regulations or bylaws, including but not limited to building permits, inspections, water and sewer connections, and curb cuts.

**F. Traffic/Traffic Safety Conditions / Sidewalks**

- F.1 Access and egress to the Project shall be via Dorothy Road, consistent with the Approved Plans.
- F.2 The Applicant shall implement an annual Transportation Demand Management monitoring program in consultation with the Department of Planning and Community Development.
- F.3 The Applicant shall provide bicycle repair stations with repair stands and air pumps in the bicycle storage area.

- F.4 The Applicant shall ensure that emergency vehicles can adequately maneuver through the site. The Arlington Fire Department shall review the Final Plans to ensure compliance with this condition.
- F.5 The Applicant shall provide \_\_\_\_ long-term bicycle parking spaces that are covered and secure.
- F.6 The Applicant shall provide \_\_\_\_ outdoor short-term bicycle parking spaces. These spaces shall be near a location of public building access, such as the courtyard area.
- F.7 The Applicant shall provide new residents with transportation information packets with information on getting around Arlington sustainably.
- F.8 The Applicant shall provide Transitscreen installation in the building lobby which depicts accurate real-time information for public transit, car sharing, and ride sharing services within one (1) mile of the site.
- F.9 The Applicant shall provide \_\_\_\_ parking spaces, for a ratio of 1.12 spaces per unit.
- F.10 With the exception of designated affordable housing units, parking for units shall be subject to an additional monthly fee, separate from rent, in order to discourage motor vehicle ownership in the Project.
- F.11 The Board shall review and administratively approve the parking fee structure. Any changes in the parking fee structure must be approved by the Board prior to fees becoming effective.
- F.12 The Applicant's property management team shall investigate paying for membership either with the 128 Business Council or the Alewife TMA, in order to provide ride matching opportunities for residents of the Project to regional transportation connections and places of employment in the region.
- F.13 The Applicant shall provide a one-month Charlie Card with an unlimited bus/subway service to each adult member of a unit, up to two per household.
- F.14 The Applicant or Property Management Company shall designate an on-site employee as the site's Transportation Coordinator to oversee marking and promoting of transportation options and monitoring and management of all related Transportation Demand Management requirements at the Property.

- F.15 The Applicant shall provide electric vehicle charging stations at 5% of the parking spaces in the garage. The Applicant shall provide for the expansion of the number of charging stations in accordance with tenant demand.
- F.16 The Applicant shall provide an annual update to the Arlington Department of Planning and Community Development. Such annual report shall include the number of leased/occupied units, the number of leased/occupied parking spaces, annual unit turnover, a summary of the parking fee structure, and any proposed changes to the parking fee structure.
- F.17 The Applicant shall provide for the installation of at least two (2) Bluebike stations, including purchase of the docks and installation costs pursuant to the Town's existing Bluebikes contract. Such Bluebikes stations shall be located in an area accessible to the public as well as to tenants of the Project.
- F.18 The Applicant shall design ADA-complaint sidewalk and curb ramp improvements along the primary route(s) expected to be used by pedestrians to access the Alewife T station. This shall include Dorothy Road and Margaret Street to the entrance of Thorndike Park. Plans shall be submitted to the Departments of Planning and Community Development and Public Works for review and administrative approval. Improvements shall be completed and fully funded by the Applicant.
- F.19 The Applicant shall provide tenants information regarding the existing weekday peak hour turn restrictions from Lake Street onto Wilson Avenue, Littlejohn Street and Homestead Road.

**G. Police, Fire, and Emergency Medical Conditions**

- G.1 The Applicant shall provide professional property management and maintenance personnel on the premises during typical business hours and an emergency contact name and number for tenants and the Arlington Police Department and Fire Department.
- G.2 Stairwells and garages must be two-hour fire rated. Residential units must be one-hour fire rated.
- G.3 The residential structures shall be fully sprinklered to NFPA regulations.
- G.4 Compliance with all State Building Code and NFPA requirements relating to fire access and safety shall be met.
- G.5 All elevators must have emergency generator backup.

- G.6 The Project shall maintain fire access to all four sides of each residential structure at all times.
- G.7 The Project shall provide adequate external lighting to ensure safety of the residents of the Project. External lighting shall conform to the requirements of the local Regulation of Outdoor Lighting [Title V, Section 14].
- G.8 As proposed by the Applicant, the Project shall have a card access system with time stamps and shall have a superintendent on-site to address security concerns with the Police Department.
- G.9 During times of construction, the Project, including all structures shall be accessible to Fire Department and other emergency vehicles. Additionally, all hydrants shall be operational during construction in accordance with NFPA requirements. Standpipes shall be operational on each floor during construction, as required by the Building Code and the Fire Department.
- G.10 The Applicant shall consult with the Fire Department prior to the commencement of construction to provide an on-site emergency plan, which shall be updated as necessary throughout the construction process.

**H. Water, Sewer and Utilities**

- H.1 The Applicant shall be responsible for the design and installation of the utilities servicing the Project.
- H.2 All water and sewer infrastructure shall be installed in conformance with the Arlington Water and Sewer Division's technical requirements. The Applicant shall provide the Arlington Water and Sewer Division with calculations to ensure the distribution system for the area has the necessary capacity to meet system demand required prior to the commencement of construction.
- H.3 Fire hydrants shall be placed as shown on the Approved Plans in locations approved by the Arlington Fire Department. If the Arlington Fire Department approves different hydrant locations, such modification shall be accepted administratively as an insubstantial change pursuant to 760 CMR 56.05(11).

- H.4 The service size for the domestic water service should be verified by the Arlington Water and Sewer Division and information on the fire service size and requirements should be verified by the Arlington Fire Department. The Applicant shall submit information regarding the size of both the domestic and fire services as part of Final Plans, after consultation with the Arlington Water and Sewer Division. The Applicant shall replace the water main, hydrants and gate valves. Any connections to the Town water main shall be triple-gated and a tee connection.
- H.5 The water and sewer utilities servicing the buildings in the Project shall be installed and tested in accordance with applicable Town requirements and protocols, except as may be waived herein.
- H.6 Utilities shall be installed underground by the Applicant using methods standard to those installations. Utilities shall be defined as electric service lines, telephone lines, water service lines, CATV lines, municipal conduit and the like. The Applicant shall request a Grant of Location from the Select Board for any installation of new utility poles or underground conduit in the public right of way as needed.
- H.7 The Applicant shall be responsible for all trash and recycling removal from the Property. The Town of Arlington shall not have any responsibility for trash, recycling, compost, and/or yard waste pickup at the Property.
- H.8 Fire hydrants shall remain private, and shall be maintained by the Applicant.
- H.9 The Applicant shall design and provide a wider sewer easement beyond 10ft. to provide suitable room to perform all necessary work within the easement. The Applicant shall provide the Arlington Water and Sewer Division with up-gradient sewer flow, with peaking factor, and suitable capacity for proposed additional flow into the sewer system. Contingent upon the system suitability and capacity, the Application may be required to pay an Inflow/Infiltration (I/I) mitigation fee to reduce I/I of the Town sewer system in the amount equal to four (4) times the design flow of the Project. All sewer services should utilize 8" service lines and shall discharge into a sewer manhole when entering the Town sewer collection system. Upon completion of construction, the Applicant shall notify the Arlington Water and Sewer Division to conduct a post- construction evaluation of the sewer main.

**I. Wetlands/Floodplain/Environmental Conditions**

- I.1 The Applicant proposes work within the one hundred foot buffer zone to a bordering vegetated wetland. The Applicant will be required to obtain an Order of Conditions from the Arlington Conservation Commission, or a Superseding Order of Conditions from the Department of Environmental Protection.
- I.2 No uncovered stockpiling of materials shall be permitted within the 100 foot Wetland Buffer Zone or Adjacent Upland Resource Areas (“AURA”) or other resource areas.
- I.3 No heavy equipment may be stored overnight within fifty feet (50’) of resource areas and no refueling or maintenance of machinery shall be allowed within the one hundred foot (100’) Buffer Zone, AURA, or within any Resource Area.
- I.4 There shall be no dumping of leaves, grass clippings, brush, or other debris into a wetland resource area or associated buffer zones. Dumping of snow into wetland resource areas is also prohibited.
- I.5 Any water discharged as part of any dewatering operation shall be passed through filters, on-site settling basins, settling tank trucks, or other devices to ensure that no observable sediments or pollutants are carried into any Resource Area, street drain, or adjacent property. Any catch-basins drains and outfalls to be used in dewatering operations shall be cleaned out before operations begin.
- I.6 The Applicant shall hire a qualified environmental monitor to be on-site during project construction. The environmental monitor shall submit an electronic report to the Board weekly during construction progress and relation to resource areas. During the duration of construction and mitigation plantings or other activities permitted, the qualified environmental monitor shall also submit an electronic report after every rain event exceeding .5 inches of rain in a 24-hour period to the Board regarding the condition of the Property during and after the rain event. Such report shall also include the status of erosion control measures and any additional measures to address stormwater management caused by said rain event.
- I.7 All work shall be conducted in accordance with the approved erosion and sedimentation control plan. Within one week of final grading, weather permitting, all disturbed areas located within wetland resource areas and buffer zones shall be stabilized against erosion. This shall be done either by sodding or by loaming, seeding and mulching according to Soil Conservation Service Standards and the Approved Plans. Stabilization will be completed when the surface shows complete vegetative cover. Temporary stabilization measures approved by the Board’s inspectional engineer will be required should work be interrupted for more than ten (10) days.

- I.8 The applicant, successor or assigns shall ensure the cleanliness of all catch basins and roadway affected by the project related activity. All catch basins will be protected by a "Silt Bag Inlet Protection" device or equal during the project work period. The applicant shall inspect and clean as necessary, all catch basins and sweep the roadway at least weekly during construction. It may be required more frequently during rain events.
- I.9 There shall be no sedimentation into wetlands or water bodies from discharge pipes or surface runoff leaving the Property.
- I.10 The Board or its agent (which may be the Conservation Commission agent acting on behalf of the Board) shall have the right to enter the Property for inspections and to evaluate compliance with the wetlands conditions contained herein upon reasonable notice of not less than twenty-four (24) hours. Access shall be allowed without the need for advanced notice in emergency situations when necessary to prevent imminent harm to wetlands resource areas.
- I.11 Prior to the commencement of work within any resource areas, the Applicant shall, in addition to any other security or surety required by this Decision, provide the Town security in the amount of \$10,000 (via bond, passbook, cash or tripartite agreement) in order to provide security for the work and erosion control measures in or adjacent to resource areas. In the event that said work or erosion control measures have been deemed to have failed or require maintenance, the Applicant shall be given written notice of such deficiency, along with an opportunity to cure the same within seven (7) days, or longer as may be applicable. In the event that the Applicant does not timely cure the deficiency, said security may be accessed by the Board to pay expenses for replacement, repair or maintenance of erosion controls if the Applicant refuses to repair, replace or maintain such erosion control measures in a timely manner upon written notification from the Board or its agent. To the extent that Board is required to access and use this security, as aforesaid, the Applicant shall replenish said security to return it to \$10,000.
- I.16 Prior to any work commencing on-site, the applicant shall submit to the Board for review, proof that a Self-Verification Notification Form has been submitted to the US Army Corps of Engineers, if necessary.
- I.17 Prior to any work commencing on-site, the applicant shall submit to the Board review, proof that a NPDES Stormwater Permit is active for the project.
- I.18 Copies of all information and all required reports regarding a US EPA NPDES permit and Stormwater Pollution Prevention Plan (SWPPP) shall be forwarded to the Commission as both a paper and electronic copy.



- I.19 The Applicant shall submit for review and administrative approval to the Town Engineer design details confirming that the rooftop detention system will conform to the runoff assumptions and calculations in the Applicant's Stormwater Analysis. Any change to the rooftop detention system design will require the approval of the Board.
- I.20 The Applicant shall provide thorough documentation establishing seasonal high groundwater elevations at the Property to ensure that there is a minimum of a two-foot separation between the bottom of the stormwater management infiltration chambers and the seasonal high groundwater table. Such data shall be conducted in March or April. The Applicant shall provide the proposed locations and number of test pits and wells to the Board for review and administrative approval. After the site specific field data has been collected, the Frimpter Method or other methodology acceptable to the Board shall be used.
- I.21 The Board has retained BETA Group to conduct a review of the stormwater management system utilizing the rainfall totals using the NOAA Atlas 14+ data. This analysis shows that both Infiltration Basin 1 and Infiltration Basin 3 experience higher water surface elevations during the 100-year storm event, which may result in negative impacts to the site drainage. The Applicant shall revise both Infiltration Basin 1 and Infiltration Basin 3 to accommodate the increased flows using the NOAA Atlas 14+ data.
- I.22 The Applicant shall retain a qualified stormwater monitor civil engineer to oversee the installation of the stormwater system. A stormwater mitigation report shall be submitted to the Board within ten (10) days of the completion of the installation of the stormwater management system. Such stormwater mitigation report shall include as-built plans, photographs from installation, and a written summary of the installation of the stormwater management system, as well as stormwater best management practices (porous pavement, rain gardens, and porous paths and walkways throughout the Property).
- I.23 The Applicant shall only treat planted areas within resource areas with slow release nitrogen fertilizer. Application of this fertilizer is not permitted to occur during the summer months or after storm events. Lawn fertilizer may only be applied twice per year, once in the Spring and once in the Fall.
- I.24 The application of plant nutrients shall comply with 330 CMR 31.00. No other herbicides or treatment methods may be utilized on the Property. No pesticides or rodenticides shall be used to treat pest management issues within resource areas.
- I.25 No snow storage or sand/salt is allowed within one hundred feet (100') of resource areas.

- I.26 The Applicant shall protect all adjacent catch basins using silt socks during construction.
- I.27 The Applicant shall conduct catch basin sump cleanings at the end of construction of the Project.
- I.28 The Applicant shall provide compensatory flood storage at a minimum ratio of 2:1. Compensatory storage shall mean a volume not previously used for flood storage and shall be incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation which would be displaced by the Project. Compensatory flood storage areas shall not be allowed within fifty feet (50') of any resource area.
- I.29 The Applicant shall submit for review and administrative approval by the Board a restoration plan for the proposed compensatory flood storage area(s) of the Site to mitigate for the negative environmental impacts of the vegetation removal and grading to create the compensatory flood storage area.
- I.30 The Applicant shall submit for review and administrative approval by the Board an invasive management plan for work within the AURA and other resource areas outlining all locations for invasive management, the species and quantities of invasive plants to be managed, and the method of management.
- I.31 All mitigation plantings and all plantings with resource areas shall be native, and shall be installed and maintained according to the standards of the American Association of Nurserymen (AAN). No cultivars of native plantings shall be allowed.
- I.32 All plantings planted and invasive species removed through the Project shall be monitored for three years. A survival rate of one hundred percent (100%) must be maintained for the approved plantings at the end of the third year of monitoring. If the survival rate is less than one hundred percent (100%) after the end of the third year, the Applicant must submit proposed recommendations for replacement to the Board for its review and administrative approval. A monitoring report shall be submitted annually in June for each of the years in the three-year monitoring period, reporting on the health of the new plantings and the success of the invasive plant management.
- I.33 No work shall be allowed within twenty-five feet (25') of any resource area.
- I.34 No disturbance shall be allowed within fifty feet (50') of any resource area.

- I.35 Limited activity only is allowed within fifty feet (50') to seventy-five feet (75') of any resource area. Mitigation must be provided for any work between fifty feet (50') to one hundred feet (100') of any resource area. Definitions of "work", "disturbance", "limited activity" and "mitigation" shall be as defined in the Arlington Regulations for Wetlands Protection (2015), Section 4 and 25.
- I.36 The Applicant shall revise the Long-Term Pollution Prevention & Operations and Maintenance Plan to include requirements for inspection and cleaning of trench drains and the roof stormwater outlet to ensure these are functional prior to significant rain events.
- I.37 The Applicant shall revise the Long-Term Pollution Prevention & Operations and Maintenance Plan to include provisions for maintenance and cleaning of compensatory flood storage areas to ensure these remain functional.

I.38 The Board finds that the Applicant must provide adequate quantity of vegetation and that said vegetation shall be maintained to provide the resource area values protected by the Bylaw. Further, the Applicant shall submit an Invasive Species Management Plan for work in the AURA and other resource areas which identifies the location of invasive species management, species and quantities of invasive plants to be managed, and methods of removal and control of each species.

I.39 The Board finds that the Applicant must abide by the requirement that no work activities are authorized nor shall occur within the 25-foot No Disturb Zone of Isolated or Bordering Vegetated Wetlands on the Site.

I.40 Any building or site dewatering operations shall conform to the following:

(a) The Applicant shall notify the Conservation Commission that dewatering is required prior to commencing any dewatering operations.

(b) Any catch basins, drains, and outfalls to be used in dewatering operations shall be cleaned out before operations begin.

(c) Any water discharged as part of any dewatering operation shall be passed through filters, on-site settling basins, settling tank trucks, or other devices to ensure that no observable sediments or pollutants are carried into any Resource Area, street, drain, or adjacent property. Filtering is essential to remove any automotive pollutants from the water prior to discharge.

(d) Measures shall be taken to ensure that no erosion or scouring shall occur on public or private property, or on the banks or bottoms of water bodies, as a result of dewatering operations.

(e) Dewatering shall not take place in any manner that leads to water being discharged or allowed to flow onto property not under the control of the Applicant without the expressed consent of that property owner.

**J. Other General Conditions**

- J.1 This Decision will be deemed to be final upon the expiration of the appeal period with no appeal having been filed or upon the final judicial decision following the filing of any appeal, whichever is later, as per 760 CMR 56.05(12)(a). In accordance with 760 CMR 56.05(12)(c), this Comprehensive Permit shall expire three (3) years from the date that the permit becomes final, unless (i) prior to that time construction authorized by the Comprehensive Permit has commenced or (ii) the time period is otherwise tolled in accordance with law. The Applicant may timely apply to the Board for extensions to the Comprehensive Permit as permitted by law.
- J.2 The Applicant shall comply with all local regulations of the Town and its boards, commissions, and departments unless specifically waived herein or as otherwise addressed in these conditions.
- J.3 The Applicant shall copy the Board on all correspondence between the Applicant and any federal, state, or Town official, board, or commission concerning the conditions set forth in this Decision, including but not limited to all testing results, official filings, environmental approvals, and other permits issued for the Project.
- J.4 This Decision prohibits the parking or storage of any unregistered vehicle on the site, and likewise prohibits the service of any vehicles on the site, except during construction. Overnight parking of vehicles on public ways is prohibited in the Town of Arlington.
- J.5 In the event that the Applicant (or its Management Company) fails to maintain the stormwater management system for the Project in accordance with its operation and maintenance plan, within fourteen (14) days of notification by the Town to the Applicant/Management Company, the Town may conduct emergency maintenance and/or repair, as it deems necessary, and the Applicant shall, prior to the issuance of any certificates of occupancy, convey such easement or other rights in a form mutually acceptable to the Town and the Applicant as may be reasonably necessary to complete such repair and/or maintenance. In the event the Town opts to perform such maintenance in accordance with this paragraph, the Applicant shall reimburse the Town within forty-five (45) days for all of its reasonable expenses related to such work.

Decision on Application for Comprehensive Permit  
Arlington Land Realty, LLC  
Off Dorothy Road, Arlington, MA  
\_\_\_\_\_, 2021

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- J.6 The Project entrance way and interior roads, and drainage systems associated therewith shall remain private, and the Town shall not have any legal responsibility for the operation and maintenance of such. The Town shall also have no obligations relating to the proposed recreational areas on the Property, the construction and operation of which shall be the sole responsibility of the Applicant. The Applicant is required to maintain the sidewalk along Dorothy Road clear of snow per local ordinance.
- J.7 If any default, violation or breach of these conditions by the Applicant is not cured within thirty (30) days after notice thereof (or such longer period of time as is reasonably necessary to cure such a default so long as the Applicant is diligently and continuously prosecuting such a cure), then the Town may take one or more of the following steps: (a) enforcement by the Zoning Enforcement Officer pursuant to G. L. c. 40A, § 7; (b) by mandamus or other suit, action or other proceeding at law or in equity, require the Applicant to perform its obligations under these conditions; or (c) take such other action at law or in equity as may appear necessary or desirable to enforce these conditions. If the Town brings any claim to enforce these conditions, and the Town finally prevails in such claim, the Applicant shall reimburse the Town for its reasonable attorneys' fees and expenses incurred in connection with such claim.

#### **DECISION**

In consideration of all of the foregoing, including the plans, documents and testimony given during the public hearing, the Board hereby grants the Applicant a comprehensive permit for the construction of \_\_\_\_\_ rental apartment units pursuant to Chapter 40B, §§ 20-23, for the development described above.

#### **RECORD OF VOTE**

The Board of Appeals voted \_\_\_\_\_, at its public meeting on March \_\_, 2021, to grant a Comprehensive Permit subject to the above-stated Conditions, with this Decision as attested by the signatures below.

\_\_\_\_\_

\_\_\_\_\_

Decision on Application for Comprehensive Permit  
Arlington Land Realty, LLC  
Off Dorothy Road, Arlington, MA  
\_\_\_\_\_, 2021

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\_\_\_\_\_  
\_\_\_\_\_

Dated: \_\_\_\_\_, 2021

Filed with the Town Clerk on \_\_\_\_\_, 2021.

\_\_\_\_\_  
Town Clerk

**Notice:** Appeals, if any, by any party other than the Applicant, shall be made pursuant to Massachusetts General Laws, Chapter 40A, s. 17, and shall be filed within twenty (20) days after the filing of this notice in the Office of the Town Clerk, Town Hall, Groveland, Massachusetts. Any appeal by the Applicant shall be filed with the Housing Appeals Committee pursuant to G. L. c. 40B, § 23, within twenty (20) days after the filing of this notice in the Office of the Town Clerk.

#### **DECISION ON WAIVERS**

The Board takes the following action on the waiver requests of local rules and regulations submitted by the Applicant as it has determined necessary for the construction of the Project as approved by the Board:

1. Town of Arlington Bylaws, Title III, Article I, Sections 1 and 2 “Use of Streets for Construction or Demolition Materials”: This section requires a permit from the Board of Public Works or Town Engineer, and included bond requirements, for work adjacent to public ways and for the use of public ways to place building materials and/or rubbish. The Applicant requests a waiver except from the bonding requirements.

**Board Action: Waiver Denied. The Applicant has requested a waiver of the**

**procedural requirements of this section, a waiver that is unnecessary for a comprehensive permit application, as all other local approval processes are subsumed into the comprehensive permit application. The Applicant has not set forth any substantive waiver requests of this section, therefore no such waivers are granted.**

2. Town of Arlington Bylaws, Title V, Article 8, and Town Wetland Protection Regulations “Wetland Protection Bylaw” and “Wetland Regulations of the Town of Arlington Conservation Commission dated June 4, 2015): The Applicant requests a waiver of the procedures, jurisdictional requirements, applications, fees, costs, regulations, policies, and enforcement, consultant fees of the Wetlands Bylaws and Regulations.

**Board Action: Waiver Denied. To the extent that this waiver request constitutes a request for a waiver of the procedural requirements under the Wetlands Bylaw and Wetlands Regulations, this request is denied as unnecessary, as the procedural requirements of other local permitting processes are subsumed into the comprehensive permit process. To the extent that this waiver request seeks substantive waivers (such as jurisdictional requirements, policies, etc.), this waiver request is overly-broad and is therefore denied.**

3. Wetlands Protection Bylaw, Section 2, and Wetlands Regulation Sections 2(A)(5), 4(3) and 4(7), Areas Subject to jurisdiction under local bylaw/definitions of same: The Applicant requests a waiver of these sections to waive the Area Adjacent to Upland Resource Area “AURA” as a resource area, to allow portions of the AURA to be graded, completed as compensatory floodplain storage and/or emergency access areas, as shown on the Approved Plans.

**Board Action: Waiver Granted to allow work within the AURA as shown on the Approved Plans. The request to waive the AURA as a resource area in general is denied.**

4. Town of Arlington Wetlands Regulations, Section 24 “Vegetation Removal and Replacement”: This section requires an application process in which the Applicant must list all species existing and all proposed replacement species within resource area, including specific requirements for deciduous trees, evergreen trees and shrubs. The Applicant requests a waiver to allow for the Applicant to provide a detailed re-vegetation plan of all areas not otherwise permanently altered for emergency access road or those portions of the southerly side of the building within the floodplain, and to allow a re-vegetation plan acceptable with industry standards.

**Board Action:**

5. Town of Arlington Wetlands Regulations, Section 25 “Adjacent Upland Resource Areas”: This section regulates the 100-foot buffer zone to resource areas. The Applicant requests a waiver to allow for grading and compensatory flood storage as shown on the Approved Plans, and for limited permanent impacts to the outer AURA area for emergency access road, and portions of the garage structure. No alteration will occur within 25’ to a state-listed wetland resource area.

**Board Action:**

6. Town of Arlington Bylaws, Title V (Regulations Upon Use of Private Property), Article 8, Section 11 “Bond to Secure Corrections of Flooding Conditions”: This section requires an applicant to post a bond where a structure in excess of 6,000 square feet in area is proposed within two hundred yards of an existing stream or wetland to post a proper bond sufficient in the opinion of the Commission to secure performance of measures necessary to correct any flooding conditions resulting from the construction. The Applicant requests a waiver of this provision.

**Board Action:**

7. Town of Arlington Bylaw, Title V, Section 8 “Wetlands Consultant Fees”: This section allows the Conservation Commission to impose fees upon an applicant to cover the cost of the Commission retaining an outside wetlands consultant to review the applicant’s submittals. The Applicant requests a waiver of this requirement.

**Board Action: Waiver Granted. The Board does not require additional authority to impose a fee for the retaining of an outside wetlands consultant, which it has done for this Application.**

8. Town of Arlington Bylaw, Title v, Article 9 “Placement of Dumpsters”: This section requires a permit to be issued by the Select Board for the placing of dumpsters or portable storage containers. The Applicant does not request any substantive waivers of this provision, seeking only a waiver of the procedural requirement of obtaining a permit from the Select Board.

**Board Action: Waiver Denied as unnecessary. The comprehensive permit subsumes all other local permitting processes, therefore no specific waiver of this provision is required. The Board acknowledges that approval of the dumpster locations is part of the comprehensive permit.**

9. Town of Arlington Bylaw, Title V, Article 15, Sections 1-5 “Stormwater Mitigation” –

**Board Action:**



10. Town of Arlington Bylaws, Article 16 “Tree Protection and Preservation”: This section requires approval of the Tree Warden prior to commencement of site work. The Applicant requests a waiver of the procedural requirement of obtaining approval of the Tree Warden. The Applicant does not request any substantive waivers of the requirements of this section.

**Board Action: Waiver Denied as unnecessary. Because all local permitting processes are subsumed into the comprehensive permit application, no waiver of this provision is required. The Applicant has agreed to comply with the substantive provisions of this bylaw.**

11. Town of Arlington Bylaw, Title IX, Article 3, Sections 4A and 4B “Town Fees and Charges, Department of Community Safety and Office of Building Inspector”: These sections set forth local fees and charges. The Applicant requests a waiver of 25% of local fees to reflect the 25% affordable housing units for the Project.

**Board Action: Waiver Denied.**

12. Water Connection Fee Regulations “Water Privilege Fee”: This section details the required fees for water connections. The Applicant requests a waiver of 25% of these fees to reflect the 25% affordable housing units in the Project.

**Board Action: Waiver Denied.**

13. Sewer Privilege Fee: This section details the required fees for connection to the municipal sewer system. The Applicant requests a waiver of 25% of these fees to reflect the 25% affordable housing units in the Project.

**Board Action: Waiver Denied.**

14. Arlington Zoning Bylaws, Article 2 “Definitions”: The Applicant requests the waiver of various unspecified definitions in this section.

**Board Action: Waiver Denied. The Applicant has not submitted sufficient information for the Board to make an informed decision on this waiver request, therefore a denial is required.**

15. Arlington Zoning Bylaws, Article 4.02 “Application of Zoning Bylaws”: This section states that the Zoning Bylaws shall apply to the erection, construction, reconstruction, alteration of use of building structures or use of land. The Applicant requests a waiver to allow the erection of a multi-family residential structure, along with the accessory uses thereto, including parking, play area, terraces, landscaping and

management office as shown on the Approved Plans.

**Board Action: Waiver Granted.**

16. Arlington Zoning Bylaws, Article 5, Sections 5.03 and 5.04 “Use Regulations”: The Applicant notes in its list of requested waivers that multi-family dwelling structures are allowed in the PUD Zoning District pursuant to the issuance of a special permit. The Applicant also notes that no waiver of special permit requirements are required for a comprehensive permit development. The Applicant has listed no substantive provisions of these sections that require waivers.

**Board Action: Waiver Denied as unnecessary. Because G. L. c. 40B, §§ 20-23 subsumes all other local permitting processes, the Applicant is not required to obtain a special permit for the Project. Since the Applicant has detailed no substantive waivers of these sections that are necessary, the waiver request is denied.**

17. Arlington Zoning Bylaws, Article 6, Section 6.00 “Dimensional and Density Regulations” This section regulations minimum lot size, frontage, maximum floor area, maximum lot coverage, minimum lot area, minimum lot depth (front, side and rear), maximum heights, minimum landscaped areas and useable open space.

**Board Action: Waiver Denied. The Board addresses the more specific waiver requests below.**

18. Arlington Zoning Bylaws Article 6 “Table of Dimensional and Density Regulations”: The Applicant requests a waiver of the Maximum Floor Area Ratio of .80 to allow a Floor Area Ratio of .87 (for the developed portion of the Site).

**Board Action:**

19. Arlington Zoning Bylaws, Article 6, Section 6.07 “Buildings in Floodplains”: This section requires the issuance of a special permit for buildings within floodplains. The Applicant requests a waiver of this special permit requirement. No substantive waivers of this bylaw were requested.

**Board Action: Waiver Denied as unnecessary. Again, an applicant is not required to obtain waivers of special permit requirements, as all other local permits are subsumed into the comprehensive permit.**

20. Arlington Zoning Bylaws, Article 6, Section 6.30 “Open Space Regulations for Planned Unit Developments”: This section sets forth a minimum requirement of 10% landscaped and 10% useable open space for apartments in the PUD Zoning District. The Applicant requests a waiver to allow for less than 10% useable open space.

**Board Action:**

21. Arlington Zoning Bylaws, Article 8, Section 1 “Off-Street Parking Requirements”: The Applicant requests a waiver of the minimum parking requirements (1 space per efficiency unit, 1 .5 spaces per two-bedroom unit and 2 spaces per three-bedroom unit) to allow for a parking ratio of 1.12 spaces per unit.

**Board Action: Waiver Granted.**

22. Arlington Zoning Bylaws, Article 8, Section 8.12 “Parking/Loading space standards”: This section limits the number of compact spaces to 20% (via special permit). The Applicant requests a waiver to allow up to 31% of the parking spaces to be compact spaces.

**Board Action: Waiver Granted.**

23. Arlington Zoning Bylaws, Article 10, Section 10.02: This section prohibits permits from being issued for structures that do not comply with the substantive provisions of the Arlington Zoning Bylaws. The Applicant requests a waiver to allow permits to issue for the structures as approved by the comprehensive permit decision.

**Board Action: Waiver Granted to allow construction as shown on the Approved Plans.**

24. Arlington Zoning Bylaws, Article 10.11 “Special Permits”: This section sets forth the special permit review requirements for the Board or the Arlington Redevelopment Board, and limits the duration of special permits to two (2) years. The Applicant requests a waiver of the procedural requirements for special permits, and also requests a waiver of the two (2) year lapse provision.

**Board Action: Waiver Denied as unnecessary. Because a comprehensive permit subsumes all other local permitting processes, a waiver of the special permit process is not required. The Board grants the substantive waiver of the two-year lapse provision contained in Section 10.11, so that the comprehensive permit shall lapse if substantial use has not commenced within three (3) years, as set forth in 760 CMR 56.05(12)(c).**

25. Arlington Zoning Bylaws, Article 10, Section 10.12 “Variances”: This section sets forth the criteria for the grant of variances pursuant to G. L. c. 40A, § 10. The Applicant requests a waiver of the variance process.

**Board Action: Waiver Denied as unnecessary. The Applicant is not required to**

**obtain variances as part of a comprehensive permit application, therefore the provisions of Section 10.12 are not applicable to this application.**

26. Arlington Zoning Bylaws, Article 11, Section 11.04(a-g) “Floodplain District”: This section imposes a special permit requirement upon uses within the Floodplain District. The Applicant requests a waiver of this special permit requirement.

**Board Action: Waiver Granted.**

27. Arlington Zoning Bylaws, Article 11, Section 11.05(b), (d) and (f): This section requires a special permit for specific uses and structures in the Inland Wetland District. The Applicant requests a waiver of this special permit requirement.

**Board Action: Waiver Granted.**

28. Arlington Zoning Bylaws, Article 11, Sections 11.06(b), (d)(1), (4), (5), and (6)(e) and (f) “Environmental Design Review”: This section sets forth a special permit process for projects subject to Environmental Design Review. The Applicant requests a waiver of the special permit process and review standards. The Applicant also requests a substantive waiver of the signage requirements to allow for temporary construction signage as allowed by the Building Inspector.

**Board Action: Waiver denied as unnecessary. The Applicant is not required to obtain waivers of the procedural requirements for special permits pursuant to 760 CMR 56.05(7). The substantive waiver for temporary construction signage is granted.**

29. Arlington Zoning Bylaws, Article 11, Section 11.08 “Affordable Housing Requirements”: This section requires 15% of new residential units be restricted as affordable units. The Applicant requests a waiver to allow compliance with the requirements of the Subsidizing Agency.

**Board Action: Waiver Granted.**

30. Zoning Board of Appeals Comprehensive Permit Regulations, Section 3.1 and 3.2 “Application and Documentation”: The Applicant requests a waiver to allow for an application that does not comply with the requirements of Section 3.0.

**Board Action:**

**END OF DECISION**



## Town of Arlington, Massachusetts

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### Thorndike Place - Open Space Committee

#### ATTACHMENTS:

Type	File Name	Description
▣ Reference Material	OSC_letter_to_ZBA_on_Mugar_March_2021.pdf	OSC letter to ZBA on Mugar March 2021



## Open Space Committee

March 29, 2021

Christian Klein, Chair  
Zoning Board of Appeals  
Arlington Town Hall  
51 Grove St.  
Arlington, MA 02476

Dear Mr. Klein and Zoning Board Members,

Following up on the Arlington Open Space Committee's previous letter of July 6, 2020, I am writing to express again our strong opposition to the proposed Thorndike Place project, as revised and discussed over the past nine months. The current proposal for 172 units in a single building on Dorothy Road is simply the wrong type of development in the wrong location.

As you know, the Open Space Committee is responsible for preparing the Town's Open Space and Recreation Plan. The current edition of the plan, covering the years 2015-2022, specifically addresses the Mugar property. Among the Plan's primary goals is:

"Goal 1. Acquire ecologically valuable undeveloped lands or ensure their protection through conservation restrictions or other means."

Throughout the Plan, references are made to this goal to protect the entire 17.7-acre Mugar parcel, not only the 11 acres that the original 2016 Thorndike Place Application suggested. For example, on page 5 of the 2015 Plan: "...Town Meeting voted in 2000 to approve the 1996 Plan's goal of acquiring the Mugar parcel for open space purposes ... In May 2001, Town Meeting reaffirmed its commitment to preserving the Mugar property as open space ..." On page 10: "The 17-acre Mugar property in East Arlington remains the highest priority goal for acquisition and protection as open space and floodwater storage." On page 10, the 2015 Plan continues:

"In 2010 FEMA released updated floodplain maps that show much of the Mugar land encumbered by several levels of flood zones, making extensive development difficult. The Arlington Redevelopment Board [ARB] voted in 2011 to formally adopt the [2007-2014] Open Space and Recreation Plan, thereby making the Plan, including acquisition and preservation of the Mugar property, Town policy, and thus signaling the Town's discouragement of any development of the property."

The ARB subsequently adopted the 2015-2022 Plan on March 30, 2015, reinforcing the Plan's status as Town policy. Complementing the Open Space and Recreation Plan is the Town's 2015 Master Plan, which also recommends protection of the Mugar property for open space and flood management. The committee is now beginning the process of updating the Plan for 2022-2029, and the long-stated goal of conserving the entire Mugar site will continue to be a top priority.

In spite of repeated efforts on the part of Town officials, the Arlington Land Trust and others, the Mugar family has been unwilling to pursue a serious alternative plan that would allow for conservation of the entire parcel. The ZBA hearings over the past several months have only reinforced the Town's and neighbors' concerns, and numerous environmental assessments confirm the inappropriateness of this project in this location.

The Open Space Committee joins many other Town committees, officials, and residents in opposing the proposed Thorndike Place development. We support the ZBA in doing everything within its authority to evaluate the extensive engineering and other technical analyses that have been submitted by the Applicant and by the Town's Conservation Commission and outside consultants.

If the ZBA deems it impossible to deny the entire project outright, we trust that strict conditions will be incorporated into the board's final decision to limit the disastrous consequences of development in this environmentally vulnerable part of Arlington.

Further, the proposed transfer of about 12 acres of the site to the Town or another entity for conservation purposes also requires extensive pre-conditions, as outlined in the Town Manager's recent letter to the ZBA. The known hazards and unknown site contamination must be scientifically assessed, documented and remediated before any such transfer could occur.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Ann LeRoy". The signature is fluid and cursive, with a long, sweeping underline.

Ann LeRoy, Chair  
Open Space Committee

cc: Adam Chapdelaine, Town Manager  
John V. Hurd, Chair, Select Board  
Jennifer Raitt, Director, Department of Planning and Community Development  
Emily Sullivan, Environmental Planner and Conservation Agent  
Susan Chapnick, Chair, Conservation Commission



## Town of Arlington, Massachusetts

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### Thorndike Place - BETA

#### ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	2340700-LM_rev_2021-03-11.pdf	2340700-LM rev 2021-03-11
▢ Reference Material	Response_to_BETA_Civil_-_Wetland_Comments_3_2021-03-11.pdf	Response to BETA Civil - Wetland Comments 3 2021-03-11
▢ Reference Material	Response_to_BETA_NOAA_14+_2021-03-10.pdf	Response to BETA NOAA 14+ 2021-03-10







**Sent Via Email**

March 11, 2021

Jenny Raitt, Director  
Department of Planning and Community Development  
Town of Arlington  
50 Pleasant Street  
Arlington, Massachusetts 02476

RE: Response to BETA Civil / Wetland Peer Review #3  
Thorndike Place Comprehensive Permit Application

Dear Ms. Raitt:

On behalf of the Applicant, Arlington Land Realty LLC, BSC Group, Inc. (BSC) is pleased to provide the following responses to peer review for the Thorndike Place residential project on Dorothy Road in Arlington, Massachusetts.

This letter responds to comments provided by BETA Group, Inc. (BETA) in a letter to you dated February 12, 2021. On February 16, 2021, BSC submitted Response 2 to Site Plan review comments provided by BETA and the Town Engineer. Several comments in this February 12, 2021 BETA letter state “No response received”. Where a response was contained in the February 16 BSC letter, it is provided again here for convenience and noted as *2/16 BSC Response*. Specifically, the comments that were addressed on 2/16 by BSC are: Comment Numbers 2, 3, 7, 8, 10, 11, 13, 21, 22, and 23. Further, it is noted that several comments in the most recent BETA comment letter state “comment resolved”, “no further comment” or no response is required by the Applicant. In these instances, the final BETA comments are acknowledged but no further response is provided. The “resolved” or “no further comment” resolutions apply to Comment Numbers 5, 6, 9, 12, 16, 18, 19, 20, 24, and 25.

The section headings and comment numbers below correspond to the February 12, 2021 comments from BETA. For clarity, we have repeated original comments in standard text and provided our response in italics (*3/10 BSC Response*).

Many of the comments included below include final design elements that will be incorporated into the final site plans submitted for review for consistency with the Board’s decision or will be coordinated with the appropriate Town Department prior to submission for building permit.

**Responses to BETA Peer Review 3**

**2015 Comprehensive Permit Application**

A Comprehensive Permit Application was originally submitted for the proposed Thorndike Place project by the Applicant in 2015. Nover-Armstrong Associates (N-A) conducted a detailed peer review of the application package and issued a peer review letter dated August



10, 2015. Their review letter contained eighteen (18) comments regarding the site plans and application package. The following comments from the 2015 N-A review letter related to civil/site design remain applicable:

15. Eight boring locations are shown on the Existing Conditions Plan C-1 with surface elevations and depths to groundwater noted. Dated and detailed boring logs are not provided on the plans or in the Application making it difficult to evaluate whether the depth of the groundwater observed represents the seasonal high groundwater elevation. The depth to groundwater is presumed to have been measured the day the borings were advanced and may not represent the actual high ground water elevation.
16. Excavated test holes witnessed by a MassDEP Soil Evaluator are necessary to definitively identify the Site's soil types and whether the conceptual project design is generally appropriate for the Site. Boring logs document encountered type soils on the Project Site which help evaluate what types of BMPs would be feasible for the stormwater management system.

**Recommendation: The results of any soil borings or test pits done on the project site should be submitted for review. Determination of the seasonal high groundwater elevation is necessary to confirm that the proposed stormwater BMPs are suitable as shown.**

**BETA 1: Data for three test pits has been provided. Groundwater elevations are shown as varying from -0.5' to 3.0'. The infiltration system designs reflect these groundwater elevations. Two feet of separation to groundwater is provided for Infiltration basin 1. Infiltration Basin 3 should be raised 0.2 feet to provide a full 2-foot separation. Given the variation in groundwater elevation indicated by the test pits, it is suggested that groundwater be confirmed prior to construction. This should be done during seasonal high groundwater conditions.**

*3/10 BSC Response: In the BSC 1/21/2021 response to the Town Engineer's comments, the Applicant has proposed, as a condition of the Comprehensive Permit, to perform confirmatory on-site testing for groundwater levels during March and/or April 2021 during the expected seasonal high groundwater period. Any modifications to the drainage system design required as a result of new groundwater information will be incorporated into final site plans for review by the Town prior to issuance of building permit.*

## **SITE PLANS**

**New Comment 1.** The Applicant has submitted select plans in response to previous comments. A full set of plans should be submitted to the Board reflecting all changes since the November 2020 submission.

**New Comment 2.** Based on discussions at the February 4, 2021 working session meeting it appears that the project design may be revised that include.

- Modifications to the building roof line along Dorothy Road and Littlejohn Street.
- Modification to the proposed surface parking on the west side to reduce the overall footprint.



**Recommendation: Revised plans and calculations should be submitted to reflect these changes.**

*3/10 BSC Response: The proposed building and site modifications presented at the February 4, 2021 working session and the February 16, 2021 public hearing along with any other minor modifications in response to further review and comment will be incorporated into the final site plans submitted for review for consistency with the Board's decision or will be coordinated with the appropriate Town Department prior to submission for building permit. The Layout & Materials Plan, Sheet C-103, revised 3/11/21, depicts the proposed changes to the site plan as discussed at the February 4, 2021 working session and as presented at the February 16, 2021 public hearing is provided as an attachment to this letter.*

**New Comment 3.** The stormwater design for the trench drain at the drop-off area in front of the building (Subcatchment 4S) assumes that no runoff bypasses the drain and enters Dorothy Road. The calculated runoff for the 100-year storm is 1.3 cfs.

**Recommendation: Calculations should be provided to confirm that the proposed trench drain grate has the capacity to accept this runoff without bypass to Dorothy Road. Alternatively, consideration could be given to revising the driveway grading so that it does not flow to Dorothy Road.**

*3/10 BSC Response: The proposed trench drain at the courtyard parking area is approximately 70-feet long with a 12-inch grate. The tributary drainage area is only 6,330 square feet (0.15 acres). The inlet capacity of the trench drain is more than adequate to handle the limited runoff from this small area. Final design and sizing calculations will be included with the final site plans submitted for review for consistency with the Board's decision prior to submission for building permit.*

1. The proposed erosion control barrier is shown on the Site Preparation plan only.

**Recommendation: The applicant should also show the erosion control barrier on the Layout, Grading and Utility Plans.**

*Applicant's Response 1/21/2021: Response: The erosion control barriers have been added to the Layout, Grading, and Utility Plans. The revised Grading & Drainage Plan is enclosed. The other plans will be submitted under separate cover.*

**BETA 1: Propose Erosion Controls have been shown on the January 21, 2021 Grading and Drainage Plans.**

**Recommendation: A complete plan set should be submitted to confirm that this is followed through on all relevant plan sheets. Also, additional erosion controls should be shown for the proposed compensatory flood storage. It is understood that the proposed compensatory storage will be revised to avoid the 25 foot No Disturb Zone of the adjacent wetland.**

*3/10 BSC Response: Erosion controls, including for the proposed compensatory flood storage area will be shown on the final site plans submitted for review for consistency with the Board's decision prior to submission for building permit.*

2. A 15-ft wide pervious paver emergency access drive is shown looping around the rear of the main site building.

**Recommendation: The Applicant should confirm that the access drive can**



**accommodate an emergency vehicle (fire truck) turning around the southeast corner of the site building.**

**BETA 1: No response received**

*2/16 BSC Response: A truck turning exhibit has been prepared showing the emergency vehicle route, a copy of which is enclosed herein. The turning radius specifications were provided by the Arlington Fire Department.*

3. Existing Conditions Plan - The applicant should add a professional surveyor's stamp.

**Recommendation: Provide Existing Conditions Plan stamped by a MA Professional Land Surveyor.**

**BETA 1: No response received**

*2/16 BSC Response: The Existing Conditions Plan will be stamped by a professional land surveyor and will be included in the final site plans submitted for review for consistency with the Board's decision.*

4. General – The applicant proposes to provide stormwater detention/retention on the building roof. The applicant should provide design plans/calcs of the proposed building roof (when developed) for review by an architect and/or structural engineer.

*Applicant's Response 1/21/2021: Runoff calculations have been revised to include discharge from the roof detention system in all storms analyzed. This overflow will be at a controlled rate and will flow into the underground infiltration system in the parking lot west of the building. The detailed design of the rooftop detention will be provided as the architectural and plumbing construction plans are developed. In addition, approximately 9,000 square feet of the southeast corner of the building roof will discharge directly to the surface through a roof drain. Please see the enclosed, revised Stormwater Report for additional information and calculations.*

**BETA 1: The drainage calculations have been revised to include discharge from the roof detention system based on a 4" grate and an 18" diameter connection to Infiltration Basin 1. The calculations indicate a storage depth of 6" – 7" during the 100-year storm.**

**Recommendation: Additional detail should be provided to confirm the outlet configuration and actual available storage on the roof. Also, maintenance of the outlet needs to be addressed. A single outlet for the roof runoff increases the potential for clogging and failure of the system. The Applicant should also confirm if potential changes to the roofline along Dorothy Road and Littlejohn Street will impact the available roof storage volume.**

*3/10 BSC Response: As previously stated, the detailed design of the rooftop detention will be provided as the architectural and plumbing construction plans are developed. The detailed design will address the maintenance of the outlet control structure. The architectural design will also include scuppers or downspouts that will operate as an emergency overflow in the event the outlet control structure is clogged during a storm event. Lastly, the proposed changes to the roofline of the building wings fronting on Dorothy Road do not impact the available roof storage volume. The Stormwater Report indicates that 38,000 square feet of the roof area was providing detention. The 38,000 square feet is provided on the 4-story portion of the building.*

5. The applicant proposed a subsurface "Stormtrap" infiltration chamber system on the



west side of the project site. The proposed system is located directly on top of an existing 14-inch sewer line. This presents a potential issue regarding accessing the existing sewer line for future maintenance or repair requirements.

**Recommendation: The Applicant should confirm with the Arlington Public Works and/or Sewer Department that the proposed location of the infiltration system is acceptable.**

*Applicant's 1/21/2021 Response: The system in question has been relocated south of the sewer line to allow Town access should it be needed. Please refer to the enclosed revised Grading & Drainage Plan.*

**BETA 1: The proposed subsurface infiltration system has been redesigned to avoid the existing sanitary sewer line. Groundwater mounding analysis indicates that the ground water mound will extend beyond the sewer line. However, based on test pit data the sewer is currently below the groundwater table so this should not have a negative impact. Comment resolved.**

6. Grading and Drainage Plan – The proposed 15-inch drainpipe from OCS-1 to FES-1 has minimal cover.

**Recommendation: The applicant should revise the proposed grading in this area to provide adequate cover over the proposed drain.**

*Applicant's 1/21/2021 response: This pipe has been reduced in size to 12-inch HDPE and the grading as proposed provides sufficient cover. Please see the enclosed revised Grading & Drainage Plan.*

**BETA 1: The system has been redesigned and the pipe as proposed has adequate cover. Comment resolved.**

7. Grading and Drainage Plan – The applicant proposes an entrance door to the garage level on the east side of the building, the proposed finished grade elevation is 2.83. The seasonal high groundwater elevation of the site development area is presumed to be around elev. 3.0 based on past soil borings.

**Recommendation: The applicant should confirm the seasonal high groundwater elevation in this area and provide appropriate mitigative measures if necessary, to prevent surface water from entering the garage through the doorway.**

**BETA 1: No response received. However additional test pit data was submitted indicating groundwater elevations at 0.2 feet in the vicinity of the garage opening. As previously noted, groundwater elevations should be confirmed prior to construction.**

*2/16 BSC Response: The project architect is reviewing options to raise the elevation of the garage entrance door on the east side of the building above the seasonal high groundwater elevation. The change in elevation will be accomplished with an internal ramp. Additionally, test pits conducted on the site demonstrate groundwater to be at El.=3.0. The applicant has proposed as a condition of the Comprehensive Permit to perform confirmatory on-site testing for groundwater levels during March and/or April 2021 during the expected seasonal high groundwater period.*

*3/10 BSC Response: In addition to the mitigative measures described above, the project architect is reviewing and additional option to enclose the exterior portion of the ramp along the east wall of the building and providing the entrance door at approximately*



elevation 7.0.

8. Areas for trash collection and snow storage are not identified on the site plan.

**Recommendation: The Applicant should identify potential areas for trash collection and snow storage on the site plan to confirm that these will not conflict with other site elements.**

**BETA 1: No response received.**

*2/16 BSC Response: The proposed location of the trash room in the basement level is shown on Sheet C-104 of the site plans and the Garage Plan in the architectural drawings. All trash and recycling facilities are located on the garage level. Building management staff will wheel out trash and recycling on trash/recycling days to a location on the south side of the garage vehicular ramp where it will be removed by waste haulers.*

*Snow storage for the surface parking lot and primary access drive will be provided off the pavement on the west side of the parking lot. Snow storage for the courtyard entrance will be provided off pavement within landscape areas and to the east and west of the courtyard between the building and back of sidewalk. Any excess snow will be removed and properly disposed of offsite.*

*The trash/recycling collection areas and designated snow storage areas will be depicted in the final site plans submitted for review for consistency with the Board's decision.*

9. Civil and Landscape Details (sheet 1) – The applicant has provided a Silt fence with Haybales erosion control barrier detail.

**Recommendation: The applicant should utilize an 18-inch diameter compost filled silt sock with silt fence in lieu of staked haybales for erosion control measures.**

*Applicant's 1/21/2021 Response: The perimeter erosion controls have been revised as recommended and are shown on the enclosed revised Site Preparation Plan and Grading & Drainage Plan. A detail of the 18-inch diameter compost-filled silt sock with silt fence has been added to the enclosed Civil and Landscape Details (Sheet C-200).*

**BETA 1: Revisions are acceptable. Comment resolved.**

10. The applicant should provide a detail of the proposed Outlet Control Structures #1 and #2. Also, the applicant should review OCS-2 as it appears that the structure is too shallow to be constructed as shown.

*Applicant's 1/21/2021 Response: The revised stormwater management system only includes one outlet control structure (OCS, previously designated at OCS-2), as shown on the revised Grading & Drainage Plan. This structure is a 6-foot diameter manhole with an outlet pipe higher than the inlet pipe. A detail has been added to the enclosed Civil & Landscape Details Sheet C-203.*

**BETA 1: The drainage system design has been revised. A detail of OCS-1 is provided. It is suggested that the detail on Sheet C-203 be revised to more accurately depict that the invert of the 12" outlet pipe is at the top of the 30" inlet.**





**The function of OCS-1 is not clear as the drainage calculations show no discharge from infiltration basin 3 during the 100-year storm.**

*3/10 BSC Response: The detail shown on Sheet C-203 will be revised to accurately show the invert of the 12" outlet pipe at the top of the 30" inlet. The revision will be incorporated in the final site plans submitted for review for consistency with the Board's decision. The function of OCS is to provide an emergency overflow for the underground detention system draining the garage ramp.*

11. Recommend the applicant adjust the location of the proposed pedestrian ramp on the west side of the site building so that it is located within the proposed crosswalk crossing the site access drive.

**BETA 1: No response received**

*2/16 BSC Response: BSC concurs with this recommendation. The location of the proposed pedestrian ramp on the west side of the building will be relocated to align with the proposed crosswalk crossing the site access drive and will be depicted in the final site plans submitted for review for consistency with the Board's decision.*

12. Recommend the applicant confirm that any footing of the proposed retaining wall near the driveway garage entrance will not conflict with the existing drainage pipe located in the same area.

*Applicant's 1/21/2021 Response: The garage ramp retaining wall and associated grading have been revised to eliminate any potential conflict with the existing drainage pipe and is shown on the revised Grading & Drainage Plan.*

**BETA 1: The retaining wall has been shortened to avoid impacting the existing drain. To accomplish this the slope of the driveway has been increased from about 5% to about 8%. No further comment.**

## **FLOOD PLAIN**

13. A portion of the proposed project design requires filling within the 100-year flood plain. Compensatory storage is required on a 1:1 (per foot) basis by the Mass Wetlands Protection Act (310 CMR 10.57) and on a 2:1 basis by the Arlington Wetlands Bylaw.

The applicant has provided compensatory flood plain storage calculations in the stormwater report (Sec. 2.12) and has designated an upland area on the site plan southeast of the proposed building for compensatory storage. In addition, the southeast courtyard area is labeled "Open Space / Flood Storage".

**Recommendation: The Applicant should provide a plan graphic showing the existing flood plain area being altered by the proposed building / site development, currently the building hatch is obscuring the flood plain limits. The proposed compensatory flood storage volume calculations and designated flood storage volume area appear consistent.**

**BETA 1: No response received. We understand that the compensatory floodplain storage will be revised to avoid impact to the 25 foot No Disturb zone of the adjacent wetland.**





*2/16 BSC Response: A floodplain impacts and compensatory storage exhibit was previously submitted. A revised floodplain impacts and compensatory storage exhibit considering the Isolated Vegetated Wetlands (IVW) and AURA is attached. The proposed compensatory storage areas located within the AURA to BVW or IVW have been located, where possible, within the outer 50 feet of the AURA. This work is also considered a temporary disturbance area and once the compensatory storage work is complete, it will return to its natural function as AURA and Land Subject to Flooding.*

## **STORMWATER MANAGEMENT**

14. The Applicant should provide onsite soil exploration / test pit data for review, specifically within the footprints of the two proposed subsurface infiltration chamber systems. The test pit data is required at a minimum to determine the seasonal high groundwater elevations within the project limits.

*Applicant's 1/21/2021 Response: In November 2020, BSC performed three soil test pits on site. The results of these test pits confirmed the soils mapping and previously performed borings with regard to seasonal high groundwater. Locations of the test pits are shown on the enclosed revised Grading & Drainage Plan. Test pit logs are included in Appendix D and more detailed information is provided in Section 1.02 of the revised Stormwater Report.*

**BETA 1: Data for three test pits has been provided. Groundwater elevations are shown as varying from -0.5' to 3.0'. The infiltration system designs reflect these groundwater elevations. Two feet of separation to groundwater is provided for Infiltration basin 1. Infiltration Basin 3 should be raised 0.2 feet to provide a full 2-foot separation. Given the variation in groundwater elevation indicated by the test pits, it is suggested that groundwater be confirmed prior to construction. This should be done during seasonal high groundwater conditions.**

*3/10 BSC Response: In the BSC 1/21/2021 response to the Town Engineer's comments, the Applicant has proposed, as a condition of the Comprehensive Permit, to perform confirmatory on-site testing for groundwater levels during March and/or April 2021 during the expected seasonal high groundwater period. Any modifications to the drainage system design required as a result of new groundwater information will be incorporated into final site plans for review by the Town prior to issuance of building permit.*

15. The proposed site building roof will be designed to provide stormwater detention, with a roof drain connection to the proposed subsurface infiltration chamber system #1 located west of the building. The HydroCAD model included with the Stormwater Report shows zero runoff leaving the roof area for all storms up to and including the 100-year design storm. Discussions with the applicant indicate the disposition of this retained stormwater has not yet been finalized. Until the disposition of the retained rooftop stormwater is known, its effects on the proposed stormwater BMPs cannot be evaluated.

*Applicant's 1/21/2021 Response: Runoff calculations have been revised to include discharge from the roof detention system in all storms analyzed. This overflow will be at a controlled rate and will flow into the underground infiltration system in the parking lot west of the building. The detailed design of the rooftop detention will be provided as the architectural and plumbing construction plans are developed. In addition, approximately 9,000 square feet of the southeast corner of the building roof will discharge directly to the surface through roof a roof drain. Please see the enclosed,*



*revised Stormwater Report for additional information and calculations.*

**BETA 1: See response to Comment 4. Additional information should be provided as the architectural plans are developed to confirm that the roof detention will function as shown in the calculations.**

*3/10 BSC Response: See 3/10 BSC Response to Comment 4 above.*

16. The proposed infiltration chamber system #1 receives stormwater from a proposed CB located between the site access drive and proposed parking area west of the site building. The rim elevation of this CB is 8.0. The results of the HydroCAD model indicate that the 50-yr flood elevation within the infiltration system is elev. 8.28. This flood elevation will cause stormwater to surcharge out of the CB grate and overflow down the access driveway to the lower garage level.

**Recommendation: The Applicant should reevaluate the proposed infiltration chamber system #1 to provide adequate stormwater capacity so that there is no onsite surface surcharge for any of the proposed design storms.**

*Applicant's 1/21/2021 Response: The infiltration system has been revised, both in footprint and storage volume and the area around the catch basin regraded (rim elevation 8.84) so that no surcharge will occur. Please refer to the enclosed revised Grading & Drainage Plan.*

**BETA 1: The proposed grading has been revised on the 1/21/2021 Grading & Drainage plan so that the CB rim is above the 100-year water surface elevation in infiltration basin 1. Comment resolved.**

17. The proposed infiltration chamber system #2 located near the southwest corner of the site building receives stormwater from a proposed trench drain located across the access driveway to the lower garage level. The rim elevation of the proposed trench drain is 4.1. The results of the HydroCAD model indicate that the 2-yr flood elevation within the infiltration chamber system is elev. 8.40. This is not possible. The applicant is currently reevaluating the design of Infiltration Chamber System #2.

*Applicant's 1/21/2021 response: he proposed system has been resized and the area around the trench drain regraded so that no surcharge will occur.*

**BETA 1: The rim elevation of the driveway trench drain has been revised to be 0.18 feet above the 100-year water surface elevation in Infiltration basin 3 to avoid surcharging to the driveway surface. However, the infiltration basin bottom should be raised 0.2 feet to provide the required 2-foot separation to groundwater. This may require adjustment of the trench drain rim elevation.**

*3/10 BSC Response: as stated in the response to Comment 14 above, the Applicant has proposed, as a condition of the Comprehensive Permit, to perform confirmatory on-site testing for groundwater levels during March and/or April 2021 during the expected seasonal high groundwater period. Any modifications to the drainage system design required as a result of new groundwater information, including raising the bottom elevation of infiltration areas, will be incorporated into final site plans for review by the Town prior to issuance of building permit.*

18. The applicant should provide groundwater mounding calculations as the two proposed infiltration chamber systems are designed to provide peak rate mitigation and appear to be within 4-ft of estimated seasonal high groundwater.



*Applicant's 1/21/2021 Response: A groundwater mounding analysis of the underground recharge system has been performed and is included in Section 6.05 of the Stormwater Report. The analysis shows that the groundwater mound is less than the provided separation to groundwater.*

**BETA 1: A mounding analysis has been provided for Infiltration Basin 1. The mounding analysis adequately represents anticipated conditions. The expected vertical extent of the mound will be below the bottom elevation of the basin. The expected horizontal extent of the mound dissipates before it reaches any adjacent existing foundations.**

19. The HydroCAD model included in the stormwater report analyzes the proposed stormwater BMPs over a 24-hr time period.

**Recommendation: The applicant should increase the analysis time period to 72 hours to allow the BMPs to demonstrate their drain down capacity after the storm event concludes.**

*Applicant's 1/21/2021 Response: The analysis time period has been extended to 72-hours as requested. In addition, a drawdown calculation in accordance with Volume 3, Chapter 1 of the Massachusetts Stormwater Handbook has been performed demonstrating that the infiltration system will drain within 72-hours. This information is included in Section 6.02 of the accompanying Stormwater Report.*

**BETA 1: The drawdown calculations have been provided and are acceptable. Comment resolved.**

20. MassDEP Stormwater Standard #10 – The applicant should provide a signed Illicit Discharge Compliance statement.

*Applicant's 1/21/2021 Response: An illicit discharge compliance statement has been included in Section 6.06 of the Stormwater Report and will be signed by the Applicant prior to issuance of permits.*

**BETA 1: The Illicit Discharge Statement has been provided. Comment resolved.**

## **UTILITIES**

21. The applicant proposes some drain manholes (DMH-2, 3) requiring shallow installations. For these applications the applicant should confirm the frame/cover height (standard 8-in, shallow 4-in) and that adequate cover exists over the inlet/outlet pipes for constructability.

**BETA 1: No response received**

*2/16 BSC Response: DMH-2 and 3 have been eliminated in the revised stormwater management system design as submitted to the Board and The BETA Group on January 25, 2021.*

22. The Utility Plans show the proposed utility services from the project site to the existing municipal/gas/electric utilities in Dorothy Road.

**Recommendation: We recommend the Applicant coordinate with the Arlington Public Works Department and local utility companies regarding all proposed site utility connections to the public utilities in Dorothy Road to confirm compliance with applicable construction standards.**

**BETA 1: No response received.**



*2/16 BSC Response: A detailed plan review and comments was provided by the Town Engineer. Responses to those comments are provided below.*

23. The existing survey shows an existing drain line in Dorothy Road that runs in front of the project site. The Utility Plan shows three proposed sewer service lines from the building to the existing municipal sewer in Dorothy Road that cross the drain line.

**Recommendation: The Applicant should confirm the proposed sewer services as shown do not conflict with the existing drain line.**

**BETA 1: No response received.**

*2/16 BSC Response: The existing sewer line that runs within the easement across the property frontage on Dorothy Road has an invert of approximately elevation = 1.7 to 1.2. The proposed building sewer laterals have invert elevations = 5.22 to 4.33; providing a minimum of 1 foot separation where crossing the existing sewer.*

## **CONSTRUCTION**

**New Comment 1.** It is suggested that prior to construction, the Applicant prepare a Construction Management Plan (CMP) for review and approval by the Board. The CMP will provide documentation of various construction related activities. The CMP should include:

- Project Description and outline of primary construction tasks
- Project Schedule including hours of operation, duration of primary construction tasks and estimated completion date
- Project logistics including staging areas, truck routes, laydown areas, contractor parking and traffic management
- Site Management including noise mitigation, dust control and security
- Public Safety and Coordination including contact information and site inspections

*3/10 BSC Response: A Construction Management Plan (CMP), containing the information above, will be prepared by the General Contractor and submitted to appropriate Town staff prior to issuance of building permit.*

**New Comment 2.** The Long Term Pollution Prevention & Operations and Maintenance Plan should include requirements for inspection and cleaning of trench drains and the roof stormwater outlet to ensure these are functional prior to significant rain events.

*3/10 BSC Response: The Long-Term Pollution Prevention & Operation and Maintenance Plan will be updated to include requirements for the inspection and cleaning of the trench drains and roof detention outlet control structure. The inspection and cleaning requirements will be included in the revised Stormwater Report to be included with the final site plans submitted for review for consistency with the Board's decision prior to submission for building permit.*

**New Comment 3.** The Long Term Pollution Prevention & Operations and Maintenance Plan should include provisions for maintenance and cleaning of compensatory flood storage areas to ensure these remain functional.

*3/10 BSC Response: It is not appropriate for the maintenance and cleaning of the compensatory flood storage areas to be included in the Long-Term Pollution Prevention*



*& Operation and Maintenance Plan. Requirements for the compensatory flood storage areas will be addressed in the recommended conditions provided by BETA and the Arlington Conservation Commission.*

24. Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan – Section 3.10.4 Equipment/Vehicle Maintenance and Fueling Areas:

**Recommendation: BETA recommends adding a provision prohibiting refueling of vehicles or equipment within 100-feet of any onsite resource area.**

*Applicant's 1/21/2021 Response: A prohibition on refueling and maintenance has been added in Section 3.10.5 of the Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan as recommended.*

**BETA 1: Information provided. Comment resolved.**

25. Recommend the applicant add a provision to the Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan that “Dorothy Road shall be swept clean on a daily basis of any soils tracked onto it from the project site”.

*Applicant's 1/21/2021 response: A daily sweeping requirement has been added in Section 3.10.1 of the Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan as recommended.*

**BETA 1: Information provided. Comment resolved.**

26. As part of a Construction Management Plan the applicant should develop a map of approved haul routes for trucks traveling to/from the project site during construction as the immediate site vicinity is comprised of narrow residential streets.

*3/10 BSC Response: As provided in the 1/25/2021 BSC response to BETA Traffic Impact Assessment comments, the Construction Management Plan will include a Construction Traffic Management Plan that will include construction vehicle access routes, hours of construction and temporary parking restrictions. The Construction Traffic Management Plan will be prepared by the General Contractor and submitted to appropriate Town staff prior to issuance of building permit.*

## **RESOURCE AREAS**

BETA has provided recommended conditions related to compensatory flood storage mitigation, vegetation replacement, invasive species management, and no work within the 25-foot No Disturb Zone. The proposed conditions are consistent with conditions proposed by the Arlington Conservation Commission (ACC). The Applicant's responses to the ACC proposed conditions will be provided under separate cover and are not included here.



Jenny Raitt, Director  
March 11, 2021  
Page 13

We believe these responses fully address all outstanding BETA Civil and Wetland Peer Review comments. Should you have any questions on this information, please do not hesitate to reach out to me at (617) 896-4321 or [jhession@bscgrop.com](mailto:jhession@bscgrop.com).

Sincerely,  
BSC Group, Inc.

John Hession, P.E.  
Vice President

cc: [zba@town.arlington.ma.us](mailto:zba@town.arlington.ma.us)  
Christian Klein, Chair, Arlington ZBA  
Marta Nover and William McGrath, BETA  
Paul Haverty, Blatman, Bobrowski & Haverty, LLC  
Stephanie Kiefer, Smolak & Vaughan  
Gwen Noyes and Arthur Klipfel, Arlington Land Realty

Attachments: Layout & Materials Plan, Sheet C-103, revised 3/11/21

**Sent Via Email**

March 10, 2021

Christian Klein, Chair  
Zoning Board of Appeals  
Town of Arlington  
Arlington, MA 02476

RE: Response to BETA NOAA 14 + Stormwater Analysis

Dear Chairman Klein:

BSC Group is in receipt of NOAA 14+ Stormwater Analysis conducted by BETA Group, Inc. (BETA) for Thorndike Place, dated March 4, 2021. The Applicant understands that the analysis was conducted by BETA at the request of the Zoning Board of Appeals (ZBA) and that it was not part of BETA's peer review services for which the Applicant is responsible to reimburse. BSC has reviewed the BETA analysis and offers the following responses and clarifications related to the information presented.

- BETA states that “the stormwater analysis submitted with the current application uses rainfall data from the National Resource Conservation Service (NRCS). Use of the NRCS data is consistent with the current requirements of the Massachusetts Stormwater Policy.” These statements are partially accurate. It is correct that the current Massachusetts Stormwater Standards require the use of the NRCS precipitation data. However, the stormwater analysis prepared by BSC and submitted with the current application did not use the NRCS data (also referenced as TP-40). Instead, the Applicant's stormwater analysis used the more conservative Cornell precipitation data as called for by the Arlington Wetlands Protection Regulations. The Cornell precipitation results in higher rainfall amounts when compared to TP-40 data.
- BETA also states, “The Massachusetts Stormwater Management Advisory Committee is considering revising the rainfall data requirement to utilize NOAA 14+ data.” While this statement is true, the use of the NOAA 14+ rainfall data has not been adopted into updated Massachusetts Stormwater Management Standards. In fact, The Massachusetts Department of Conservation and Recreation (DCR) and Massachusetts NAIOP (NAIOP) have submitted letters to the Massachusetts Department of Environmental Protection (MassDEP) asserting that the NOAA 14+ approach should be peer reviewed to fully vet the approach and demonstrate that it is supported by the climate change community for the purposes of using it for stormwater design. Both DCR and NAIOP have requested that MassDEP conduct an outside peer review to assess the impact of these changes on stormwater system sizing and other related impacts.
- In its recent submittal letter, BETA references Section 31 of Arlington's Wetland





Regulations that requires addressing the impact of climate change on surface runoff. BETA quotes Section 31, B.2 of the local regulation which states “[d]escribe project stormwater surface runoff, which may increase due to storm surges and extreme weather events, and how this will be managed / mitigated to prevent pollution (including nutrients from fertilizers, roadway runoff, etc.) from entering the resource area with consideration of eliminating impervious surfaces as feasible.” BETA further states that. “[u]sing NOAA 14+ rainfall data in the analysis could be considered as addressing this requirement.”

- BETA’s reference to Section 31 of the Arlington wetland regulation (“Climate Change Resilience”) is not a regulatory provision applicable to the Thorndike Place application. The referenced Section 31, was adopted in March 2018 and is part of the current Arlington Wetlands Protection Regulations. Section 31/Climate Change Resilience provision was not part of the Wetlands Regulations in effect at the time of this project application. However, we would refer the Board to BSC’s written response to the Arlington Land Trust – Weston & Sampson Resiliency Review, dated February 16, 2021, which outlines how the Thorndike Place project has considered climate change and incorporated resiliency into the project planning and design.
- BETA has conducted a stormwater analysis where they compared the predevelopment and post development peak flow rates and volumes using both the Cornell (not NRCS TP-40) and the NOAA 14+ rainfall data. The results of BETA’s analysis show that the overall post development peak flow rates from the site are reduced below existing predevelopment conditions when using both the Cornell data and the NOAA 14+ data.

In addition to the rainfall data comparison, BETA evaluated each quantity control BMP to assess any potential issues with the design using NOAA 14+ data. BETA’s analysis indicates that the proposed stormwater systems function adequately for storms up to the 100-year event. The peak water surface elevation within Infiltration Basin 1 and Detention Basin 3 remains below the top of the Stormtrap chambers. Their analysis confirms that the stormwater systems provide sufficient storage using either the Cornell precipitation data or the NOAA 14+ data.

- In using the NOAA 14+ data, BETA further states that their 100 year storm analysis indicates that the peak water surface elevation for both infiltration Basin 1 and Detention Basin 3 exceeds the top elevation of the Stormtrap chambers with the potential for surcharging of runoff above the rim elevation at CB-1 resulting in ponding in the driveway and surface parking area, potential surcharging above the rim elevation at Trench Drain-1 (underground garage entrance) resulting in additional storm runoff entering the garage, and potential higher peak flows and velocities at the outfall from Infiltration Basin 1 resulting in increased potential for scour and erosion at FES-1.

To provide context to the BETA analysis, the existing Massachusetts Stormwater Management Standards criteria is NRCS. In designing the stormwater system, BSC conservatively used the Cornell data, reflecting the current data required by local regulation. The NOAA 14+ is not a current standard either at the state level or local level and is not a regulatory requirement that applies to this project application. However, as demonstrated by BETA’s review, the stormwater management system, as designed, can accommodate the NOAA 14+ rainfall up to the 100-year storm. As it is not a regulatory requirement, the Applicant is not committing to use the NOAA 14+ rainfall data but





does agree to incorporate stormwater management system design revisions, to the maximum extent practicable, to address the surcharge and scour potential in the 100-year storm event as identified by BETA. The stormwater management system design revisions and updated Stormwater Report will be incorporated into the final site plans submitted for review for consistency with the Board's decision prior to submission for building permit.

## Conclusion

BSC agrees with BETA's conclusion that the proposed stormwater management system for the Thorndike Place development will mitigate post development peak flows below predevelopment runoff rates when analyzed using the NOAA 14+ rainfall data. BETA has also indicated the potential that both Infiltration Basin 1 and Detention Basin 3 may experience higher water surface elevations during the 100-year storm that may result in surcharging and scour at the outfall. These concerns can be addressed through stormwater management system design revisions which, as stated above, the Applicant agrees to incorporate, to the maximum extent practicable, into the final site plans submitted for review for consistency with the Board's decision prior to submission for building permit.

Should you have any questions on this information, please do not hesitate to reach out to me at (617) 896-4321 or [jhession@bscgrop.com](mailto:jhession@bscgrop.com).

Sincerely,

BSC Group, Inc.

John Hession, P.E.  
Vice President

cc:     [zba@town.arlington.ma.us](mailto:zba@town.arlington.ma.us)  
Jennifer Raitt, Director, Department of Planning and Community Development  
Marta Nover and William McGrath, BETA  
Paul Haverty, Blatman, Bobrowski & Haverty, LLC  
Stephanie Kiefer, Smolak & Vaughan  
Gwen Noyes and Arthur Klipfel, Arlington Land Realty



## Town of Arlington, Massachusetts

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### Thorndike Place - Public Comments

#### ATTACHMENTS:

Type	File Name	Description
Reference Material	P_Worden_letter_3-15-21.pdf	P Worden letter 3-15-21
Reference Material	J_Yurewicz_letter_to_A_Chapdelaine_3-15-21.pdf	J Yurewicz letter to A Chapdelaine 3-15-21
Reference Material	H_Keith_Lucas_letter_3-11-21.pdf	H Keith Lucas letter 3-11-21
Reference Material	A_O_Driscoll_letter_3-11-21.pdf	A O'Driscoll letter 3-11-21
Reference Material	S_Logan_email_3-11-21.pdf	S Logan email 3-11-21
Reference Material	S_Harris_email_3-12-21.pdf	S Harris email 3-12-21
Reference Material	R_Peterson_email_3-11-21.pdf	R Peterson email 3-11-21
Reference Material	R_DiBiase_pic.pdf	R DiBiase pic
Reference Material	S_Gibson_email_3-29-21.pdf	S Gibson email 3-29-21
Reference Material	Proposed_Draft_Decision_Comments.pdf	Proposed Draft Decision Comments
Reference Material	H_Brush_email_3-30-21.pdf	H Brush email 3-30-21
Reference Material	Affordable_Housing_Letter.pdf	Affordable Housing Letter
Reference Material	ZBA_Letter_Comp.Permit.Response_HKL_Letter_20210402.pdf	ZBA Letter_Comp.Permit.Response_HKL Letter_20210402
Reference Material	F_Rowland_email_4-6-21.pdf	F Rowland email 4-6-21
Reference Material	A_Yuan_4-5-21.pdf	A Yuan email 4-5-21
Reference Material	S_Shoesmith_email_4-4-21.pdf	S Shoesmith email 4-4-21
Reference Material	D_Krishanemail_4-4-21.pdf	D Krishanemail 4-4-21
Reference Material	H_K_Lucas_email_4-2-21.pdf	H K Lucas email 4-2-21
Reference Material	Mugar;_Findings_re_site_history_and_conditions.pdf	B Rehig Mugar; Findings re site history and conditions
Reference Material	B_Rehrig_email_3-28-21.pdf	B Rehrig email 3-28-21
Reference Material	W_Fuch_Thorndike_Place_draft_permit_comments.pdf	W Fuch Thorndike Place draft comments 4-8-21
Reference Material	Matt_McKinnon_ZBA_Letter_2021_04_08.pdf	Matt_McKinnon_ZBA_Letter_2021_04_08.pdf
Reference Material	E_Freeburger_email_3-16-21.pdf	E_Freeburger_email_3-16-21



To: ZBA Members, Town of Arlington

Please include this letter as testimony for the official record of ongoing Public Hearings on the proposed Mugar 40 B development

Dear Chairman Klein and Members of the Board,

For years we have watched with trepidation the threats presented by the Mugar group with respect to their ambitions for development at their large site in East Arlington. Not satisfied with their success in gaining Planned Unit Development zoning designation they have proceeded on the outrageous endeavor to obtain approval for a 40B permit. Clearly their intention is to ignore restrictions and safeguards on development with which they would have to comply under the zoning which they were awarded. This is community exploitation at its worst. The fact that they are providing “affordable” units gives no excuse for this greed. These units are too expensive for those who most need them. At 80% AMI eligibility few will be available to low and very low-income families.

East Arlington’s housing is very dense (much of it exceeds Governor Baker’s recommended density for MBTA communities). This already presents a burden on some municipal services, flood control and school overcrowding etc. Stormwater and sewage in this area with FEMA designated flood prone areas presents challenges and health hazards which should not be exacerbated under any circumstances in this era of concern regarding climate control. Loss of trees would impact air quality in the entire area. It would likely create a heat island.

In addition to the increased traffic and crowding for residents close to the proposed development, the abutting Thorndike Field is a vital athletic field for our land-starved town and is used for high school sports. It has been used for decades for Arlington High School soccer meets and for summer soccer training programs for Arlington Recreation Department. For these athletes the damage to air quality caused by removal of large numbers of trees in this area of constant traffic exhaust from Route 2 is of concern. These students will not be exercising in the air-conditioned VOX 2 or the anticipated residences of Mugar’s air-conditioned project.

It is reprehensible that the Planning Department in their preoccupation with trying to increase housing density ([www.blog.arfrr.org](http://www.blog.arfrr.org)) did not do sufficient work (by various available means such as zoning district designation change for certain cemeteries) to ensure that our statutory goal of 1.5% of land area occupation by affordable units would be recognized. As a result, Arlington and the Mugar property have no safe harbor from 40B development.

If you must grant this permit, please impose strict restrictions on the level of development consistent with the fragility of the site and the importance of health, welfare, and safety of the large number of people who will be affected by this devastating project.

Very truly yours,

Patricia Barron Worden, Ph.D.  
Town Meeting Member, pct 8

Former Chair, Arlington Housing Authority  
Former Charter Member, Arlington Human Rights Commission  
Former Chair, Arlington School Committee  
Member Housing Plan Implementation Committee

Mr. Adam Chapdelaine

Dear sir,

My name is John Yurewicz. I am a 76 year old, 53 year resident of Arlington, 36 of those years as the current, in residence owner of #47 Mott Street at the corner of Littlejohn Street.

We, the residents of the Lake Street Corridor have campaigned against developing this property several times over the past 45 years and, obviously so, with success. The site remains all natural as it well should.

The fact remains, we, the residents of the Lake Street Corridor do not want the Thorndike Place development on the fringe of our neighborhood.

This area is the lowest grade area of the Town and as such is a natural storm collector site. Disturbing the many underground natural aquifers on and around that site will lead to expensive, long lasting problems for the many abutters!

It looks like the owner and developer of the Mugar site are planning to 'buy' their way free of maintaining said property by offering us \$350,000 over ten years. Where was all this civic improvement, good neighbor attitude during the past forty years? It's obvious the owner/developer are planning on switching that responsibility to the Town of Arlington under the guise of being generous, being magnanimous! Hardly! The Mugar have never cared about maintaining the property in question. Now they have an "out"!

That the Town has created a list of 'trade-offs', if you will, reads to me like the Town has pretty much accepted this Thorndike Place "Monster", something that has, for years, been shot down, and now, "Under cover of Pandemic" using the Zoom meetings to sell the Town on this ludicrous plan. No live meetings at Town Hall was a great thing for the Mugar, eh?

There is NO GOOD that can come of this development! Each facet created by allowing this to go through flies right into the face of all the reasons we currently stand for and for all the reasons presented against same for decades!

The main problem will be the Comm. of Mass. 'H.A.C' and its penchant for approving such housing developments regardless of the damages, short and long term, that will be inflicted on the neighbors and neighborhood. Without going into the long list of long standing potential damages, all of which have been spelled out for several years, I would like to remind you that NO GOOD for the Town and the neighborhood can come of this development.

Although, there has been word that the Town stands to get some form of financial assistance from the State because if we approve and accept a housing development within a one mile radius of Alewife Station there is a reward. The existing residents get sold out in such a deal. Please weigh the financial offer against the well being of your citizens.

I ask you to alert all the commissions and departments in the Town of Arlington to ready them to DENY the owner and developer from any development now and in the future, once and for all. A lot of Arlingtonians will suffer in one or more ways if this is approved!

Thank you.

Respectfully submitted,

John C. Yurewicz

Dear Members of the ZBA -

I am a resident of the East Arlington neighborhood that is directly impacted by the proposed Mugar Development.

Please add this to public comment.

The ZBA draft letter *the ZBA claims to* "appropriately address...matters of local concern" including, but not limited to the incompatibility of the development to the residential area, traffic, parking & flooding. The ZBA has **not** provided any information to neighbors to demonstrate how this draft plan addresses any of the concerns raised.

Our same concerns stand, as previously submitted.

1. I urge the ZBA to **allow at least a full week to review the ZBA's draft proposal** in full for public comment. The public has not been provided sufficient advance notice (less than 19 hours).

2. I urge the ZBA **directly to provide information to the public on how "conditions" in the draft letter address our concerns**. Again, based on my initial review, these conditions DO NOT address our concerns.

- Flooding is well-known pervasive problem in this area and well-documented. This development will exacerbate flooding concerns in the neighborhood. The underground trash room at Thorndike Place will flood. Rats (dead and alive) will float in contaminated flooded waters. Vehicles will be submerged in the floods and totaled.
- Traffic studies are not based in today's reality - as they were performed before the Lake Street pedestrian/bike path crossing and during a pandemic when many are working from home. Post-pandemic, **expect an increase in traffic** as more people will begin traveling by car instead of public transportation to reduce their risk of exposure to COVID-19 and its variants. It's ridiculous to believe 172 units will generate ~30 vehicle trips during the rush hours. This does not include the additional delivery services or visitors (personal and professional) that will be added to the neighborhood traffic patterns.

3. I caution the ZBA to **not be swayed by the "Mugar Donation"** of the land donation & payments to the town. We do not know the extent of contamination on this property that has been neglected for decades by the Mugar family. Simply, I recall the Oak Tree developers themselves at one of the original town meetings at Town Hall (2015?) indicated they knew the culverts on the Mugar property are blocked, exacerbating neighborhood flooding and they would clean them out if the town allowed this project to move forward. This plan is corrupt with a pay-off.

4. I urge the ZBA to **find more appropriate alternatives** for supporting Arlington's efforts to improve access to Affordable Housing. This is important work. The current scope of the Mugar development houses vulnerable populations in a well-known flood plain. **Housing vulnerable populations in a well-known flood plain is wrong for everyone**. The intent of improving Affordable Housing in Arlington at this site will have detrimental impacts on the people it's purporting to support.

5. I urge the ZBA to **perform an audit on all public comments received to ensure every voice has been submitted into public record**. I ask this as my prior letter required two submissions - and the responsibility was placed on me to identify that my public comment was not captured by the ZBA. I am concerned others have had this occur as well. Capturing public comment is the ZBA's responsibility to ensure its integrity.

Respectfully submitted,  
Heather Keith-Lucas  
10 Mott Street



From: "Anna O'Driscoll" <anna.odriscoll@gmail.com>  
To: Heather Keith-Lucas <hkeithlucas@yahoo.com>  
Cc: "CKlein@town.arlington.ma.us" <cklein@town.arlington.ma.us>, Clarissa Rowe Home <clarissa.rowe@comcast.net>, Diane Mahon <dmahon@town.arlington.ma.us>, Jeanette Cummings <jecummings87@gmail.com>, Len Diggins <ldiggins@town.arlington.ma.us>, Steve DeCoursey <sdecoursey@town.arlington.ma.us>, "zba@town.arlington.ma.us" <zba@town.arlington.ma.us>  
Date: Thu, 11 Mar 2021 13:51:44 -0500  
Subject: Re: Response to ZBA draft of Thorndike Place

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Dear members of the ZBA

I am a neighbor of Heather Keith-Lucas - I live on 23 Littlejohn St, Arlington, MA 02474. I concur with her concerns and comments completely and would like this full email thread submitted to public comments as my concerns echo hers.

Anna O'Driscoll  
23 Littlejohn St, Arlington, MA 02474

On Thu, Mar 11, 2021 at 12:58 PM Heather Keith-Lucas <[hkeithlucas@yahoo.com](mailto:hkeithlucas@yahoo.com)> wrote:  
Dear Members of the ZBA -  
I am a resident of the East Arlington neighborhood that is directly impacted by the proposed Mugar Development.  
Please add this to public comment.

The ZBA draft letter *the ZBA claims to* "appropriately address...matters of local concern" including, but not limited to the incompatibility of the development to the residential area, traffic, parking & flooding. The ZBA has not provided any information to neighbors to demonstrate how this draft plan addresses any of the concerns raised.

Our same concerns stand, as previously submitted.

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2. I urge the ZBA **directly to provide information to the public on how "conditions" in the draft letter address our concerns**. Again, based on my initial review, these conditions DO NOT address our concerns.

- Flooding is well-known pervasive problem in this area and well-documented. This development will exacerbate flooding concerns in the neighborhood. The underground trash room at Thorndike Place will flood. Rats (dead and alive) will float in contaminated flooded waters. Vehicles will be submerged in the floods and totaled.
- Traffic studies are not based in today's reality - as they were performed before the Lake Street pedestrian/bike path crossing and during a pandemic when many are working from home. Post-pandemic, **expect an increase in traffic** as more people will begin traveling by car instead of public transportation to reduce their risk of exposure to COVID-19 and its variants. It's ridiculous to believe 172 units will generate ~30 vehicle trips during the rush hours. This does not include the additional delivery services or visitors (personal and professional) that will be added to the neighborhood traffic patterns.

3. I caution the ZBA to **not be swayed by the "Mugar Donation"** of the land donation & payments to the town. We do not know the extent of contamination on this property that has been neglected for decades by the Mugar family. Simply, I recall the Oak Tree developers themselves at one of the original town meetings at Town Hall (2015?) indicated they knew the culverts on the Mugar property are blocked, exacerbating neighborhood flooding and they would clean them out if the town allowed this project to move forward. This plan is corrupt with a pay-off.

4. I urge the ZBA to **find more appropriate alternatives** for supporting Arlington's efforts to improve access to Affordable Housing. This is important work. The current scope of the Mugar development houses vulnerable populations in a well-known flood plain. **Housing vulnerable populations in a well-known flood plain is wrong for everyone.** The intent of improving Affordable Housing in Arlington at this site will have detrimental impacts on the people it's purporting to support.

5. I urge the ZBA to **perform an audit on all public comments received to ensure every voice has been submitted into public record.** I ask this as my prior letter required two submissions - and the responsibility was placed on me to identify that my public comment was not captured by the ZBA. I am concerned others have had this occur as well. Capturing public comment is the ZBA's responsibility to ensure its integrity.

Respectfully submitted,  
Heather Keith-Lucas  
10 Mott Street

From: Shannon Logan <sloganrn@gmail.com>  
To: zba@town.arlington.ma.us  
Date: Thu, 11 Mar 2021 18:27:42 -0500  
Subject: Coalition to Save the Mugar Wetlands

**CAUTION:** This email originated from outside of the Town of Arlington's email system. Do not click links or open attachments unless you recognize the REAL sender (whose email address in the From: line in "<>" brackets) and you know the content is safe.

I live at 7 Mary street and am expressing my concerns regarding the Mugar proposal to build a multi story housing complex on Dorothy Road.

I oppose this project. First wetlands should be left wetlands. Over the years, my house has gone from having a dry cellar to episodic flooding due to construction in the wetland zones of Cambridge and Belmont. Secondly, I do not believe this area can support 300+ cars coming and going out of Dorothy Road. This is a residential area and would overburden side streets and traffic pouring onto Lake Street. More importantly, our children would be at risk of traffic accidents and fatalities as they cross these roads. Thirdly, the animals that call Mugar woods home would probably die, with little vegetation for eating, little place for safety, nesting or building a home. My 10 year old granddaughter is particularly worried about this. She and her friends are hoping Mr. Mugar can donate or sell the land to the town for conservation purposes and have the lasting legacy of saving an important area of Arlington for years to come.

My son William J. Logan, town meeting member Precinct 2 and daughter in law Shannon R. Logan agree with the above concerns and do not support the development of this land.

Thank you,  
Elisabeth Ann Logan

From: Sally Harris <sharris3299@comcast.net>  
To: "zba@town.arlington.ma.us" <zba@town.arlington.ma.us>  
Cc: "CKlein@town.arlington.ma.us" <CKlein@town.arlington.ma.us>, "AMaher@town.arlington.ma.us" <AMaher@town.arlington.ma.us>  
Date: Fri, 12 Mar 2021 16:19:23 -0500 (EST)  
Subject: Thorndike Place

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Dear Mr. Klein, ZBA Members, and Ms. Maher,

Thank you for the time you have spent hearing the concerns of both sides regarding the potential development of the Mugar Wetlands in East Arlington. As evidenced by the meeting last night, the surrounding community is largely opposed to the proposed Thorndike Place complex. I abstained from comment last evening, but would like to provide you with concerns that my partner, Florence Murphy, & I share about this proposal.

I just measured Dorothy Rd., curb-to-curb. It is 24'10". Attached is a photo of 3 cars parked across the road. There is room for the 3 cars, but I have grave concerns about the ability of any vehicle to fit through if there are construction trucks parked along the road. Specifically, emergency vehicles would be severely challenged in this endeavor. What happens if a resident along Dorothy Rd. has a medical emergency and an ambulance cannot reach them because of construction vehicles? Add some snow to the mix, and the challenge increases significantly. What happens on trash day? There are 28 households between the corner of Littlejohn and Dorothy and Dorothy & Parker Rd. What are they supposed to do on trash day? I do not think it is possible for JRM trucks to squeeze by during construction, particularly if there is snow added to this equation.

The traffic ramifications of this project are incomprehensible. As I mentioned, there are 28 households just between Littlejohn & Parker, along Dorothy Rd. Add another 170 or so cars to the mix, and you have a recipe for unsafe conditions. If the you refer to the traffic study conducted 4 or so years ago, pre-pandemic, you will see that an officer who was parked on Mary St., just before Littlejohn, counted 500 cars in 2 hours who tried to cut down Mary St. to Margaret St. in order to avoid the Lake St. traffic. The additional cars + bikes will at least amount to close calls, but more likely will result in injuries. I am a nurse and do not want to see this happen.

Placing an at-risk population on wetlands is simply not fair to them. The likelihood for flooding of the parking garage and basement area of Thorndike Place is quite real. A population in need of affordable housing can ill-afford high insurance rates and the cost of replacing their cars and belongings due to avoidable water damage. Our house has a French drain around the basement, with the sump pump running constantly during snow melt times and during heavy rains. That is significant because our house is on Mary St., 2 blocks away from Dorothy Rd. Where does Oaktree think the water is going to go?

Have they studied the actual water flow below ground? I think it is their civic duty to conduct such a study.

If this project does go forward, what types and sizes of construction vehicles will be traversing Littlejohn St. and how often?

Again, thank you for your time and consideration of our concerns.

Ms. Maher - would it be possible to forward our email to the appropriate personnel at Mass Housing or any other officials at the state level? We do hope that state officials take the time to come see why we are so opposed to this development

Sincerely,

Sarah Harris MSN RN  
Florence Murphy  
83 Mary St.  
Arlington MA 02474

From: Rebecca Peterson <rebeccaopeterson@gmail.com>  
To: zba@town.arlington.ma.us, jraitt@town.arlington.ma.us, achapdelaine@town.arlington.ma.us, SDeCoursey@town.arlington.ma.us, LDiggins@town.arlington.ma.us, JHurd@town.arlington.ma.us, DMahon@town.arlington.ma.us  
Date: Thu, 11 Mar 2021 16:17:29 -0500  
Subject: Reject the Thorndike Place/Mugar Development

**CAUTION:** This email originated from outside of the Town of Arlington's email system. Do not click links or open attachments unless you recognize the REAL sender (whose email address in the From: line in "<>" brackets) and you know the content is safe.

Dear Zoning Board of Appeals, Adam Chapdelaine, Jenny Raitt and Select Board members -

I am writing regarding my strong opposition to the massive proposed complex at Thorndike Place. I urge you to reject this project, as it is troublesome for many reasons, such as:

1. this development is not environmentally sound, and the neighborhood flooding will get much worse with a development this large
2. the adjacent residential streets will see a massive increase in vehicular traffic
3. this apartment complex is entirely out of character for the neighborhood - it is enormous and doesn't fit in at all
4. this development will do nothing to alleviate housing shortages and housing costs

Many long-term residents of Arlington like me are extremely tired of the constant pro-density push from town management - we don't need more density. What we need is to maintain our quality of life, our great schools, and the scarce open spaces we have now. Forcing oversized developments into quiet residential neighborhoods does nothing to maintain or increase the quality of life in Arlington. Quality of life for Arlington residents should be your first priority.

Sincerely,  
Rebecca & Eric Peterson  
31 Florence Ave.







From: Shona Gibson <gibson\_shona@hotmail.com>  
To: "zba@town.arlington.ma.us" <zba@town.arlington.ma.us>  
Cc: Cindy Friedman <Cindy.Friedman@masenate.gov>, "rep.dave.rogers@gmail.com" <rep.dave.rogers@gmail.com>  
Date: Mon, 29 Mar 2021 12:35:10 +0000  
Subject: Thorndike Place

CAUTION: This email originated from outside of the Town of Arlington's email system. Do not click links or open attachments unless you recognize the REAL sender (whose email address in the From: line in "< >" brackets) and you know the content is safe.

Dear ZBA members,

I write to express my concern about the proposed development known as Thorndike Place and to offer a specific suggestion.

I share my neighbors' opinion that a building of this scale should not be built on this land. As previously noted, chief concerns are the natural environment, increased flooding and lack of proper infrastructure related to access to/egress from the site.

I write today to address the fact that the project has become a rental only property. This is problematic on a number of levels, but to point out one, it will greatly increase the amount of heavy traffic on neighborhood streets on an ongoing basis. In many cases rental trucks driven by people not used to driving large vehicles. This will increase traffic congestion and cause an ong hazard to local residents.

Furthermore it greatly changes the character of a neighborhood that has been primarily owner occupied for all of it's previous history.

I suggest a requirement that, whatever is built, 50% of the units be owner-occupied, affording greater stability for the community and less heavy vehicle traffic. It is consistent with the developers' goal of creating affordable housing and the 40b permit.

Respectfully submitted,

Shona Gibson

107 Mary Street  
Arlington, MA 02474

Sent from my iPhone



From: Chris Loreti <cloreti@verizon.net>  
To: Christian Klein <CKlein@town.arlington.ma.us>, Zoning Board of Appeals  
<zba@town.arlington.ma.us>  
Cc: Douglas Heim <dheim@town.arlington.ma.us>  
Date: Thu, 11 Mar 2021 17:12:14 -0500  
Subject: Re: Thorndike Place - Proposed Draft Decision Comments

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Mr. Klein,

Thank you for the explanation.

Presuming you are correct that not only the substance of the regulations at the time of filing but the form (section numbering) as well must apply, I would think the decision should reference the applicable edition of the zoning bylaw (April 2016), as you did in your email message. In my quick review of the draft decision, I did not see such a reference and hope one can be added before the decision is finalized if it is not already there.

Thank you again.

Chris Loreti

On 3/10/2021 10:50 PM, Christian Klein wrote:  
Mr. Loreti,

Thank you for writing in regards to the draft decision for Thorndike Place. As you noted the decision is written in regards to a previous version of the Zoning Bylaws. Under the guiding legislation, all local ordinances in effect at the time of the application remains in effect for the duration of the review. This application was initially filed August 31, 2016, so we are bound by the April 2016 edition of the zoning bylaw and the June 2015 edition of the wetlands bylaw. The citations, while archaic, are accurate for this proceeding.

Best,

Christian Klein  
Chair, Arlington ZBA  
[cklein@town.arlington.ma.us](mailto:cklein@town.arlington.ma.us)

From: Chris Loreti <[cloreti@verizon.net](mailto:cloreti@verizon.net)>  
To: Zoning Board of Appeals <[zba@town.arlington.ma.us](mailto:zba@town.arlington.ma.us)>, Christian Klein  
<[CKlein@town.arlington.ma.us](mailto:CKlein@town.arlington.ma.us)>  
Cc: Douglas Heim <[dheim@town.arlington.ma.us](mailto:dheim@town.arlington.ma.us)>  
Date: Wed, 10 Mar 2021 19:16:28 -0500  
Subject: Thorndike Place - Proposed Draft Decision Comments

**CAUTION:** This email originated from outside of the Town of Arlington's email system. Do not click links or open attachments unless you recognize the REAL sender (whose email address in the From: line in "< >" brackets) and you know the content is safe.

Dear ZBA Chair Klein:

I am writing to provide the following comments regarding the Thorndike Place Draft Decision, which the ZBA will be discussing tomorrow evening. I ask that these comments be entered into the docket for the hearing and be shared with all members of the ZBA.

The draft decision contains a number of waivers to the requirements of Arlington's Zoning Bylaw. The references to the bylaw sections are incorrect, however. For example, the draft decision waivers refer to Section 4.02, 10, and 11 of the zoning bylaw. No such sections exist in the current Arlington Zoning Bylaw.

Apparently, whoever wrote the waivers used an out of date version of the zoning bylaw, one that has not existed for more than three years. The ZBA should require that all of the zoning bylaw references in the decision be corrected to reflect the current zoning bylaw, to the extent it is still relevant.

In addition, should the erroneous zoning bylaw references be the result of work paid for by anyone working for the town, I ask that the ZBA ensure that the corrections are made at no cost to Arlington taxpayers.

Thank you for considering these comments.

Christopher Loreti  
Adams St. Arlington

From: Henry Brush <henrybrush1@gmail.com>  
To: zba@town.arlington.ma.us, cklein@town.arlington.ma.us  
Date: Tue, 30 Mar 2021 09:37:44 -0400  
Subject: Mugar Wetlands and Arlington Soccer Club Concerns

**CAUTION:** This email originated from outside of the Town of Arlington's email system. Do not click links or open attachments unless you recognize the REAL sender (whose email address in the From: line in "< >" brackets) and you know the content is safe.

Dear Mr. Klein and the Zoning Board of Appeals-

My name is Henry Brush and I am the Field Director and Immediate Past President of the Arlington Soccer Club. I have served on the ASC Board in a variety of roles for the past 19 years. I reside at 12 Draper Ave. in Arlington.

The Arlington Soccer Club is very concerned about the impact of the Mugar development project on neighboring athletic fields. As you know, the floodplains of the proposed development act as a sponge for nearby groundwater and storm water. If this "sponge" is paved over, the floodplain will no longer serve its essential purpose, and the water will flood into east Arlington neighborhoods. This will have a significant impact on the area, including the Thorndike and Magnolia field complex that ASC uses heavily.

I am very concerned about the impact of this development project on the surrounding neighborhoods, including Thorndike and Magnolia fields. As a field checker for ASC, I have walked Thorndike and Magnolia fields for the past 15+ years after rains to determine if the field is playable, and am very familiar with the current flooding challenges there. I am very concerned that the proposed development project would significantly impact both the quality and usability of Thorndike and Magnolia fields. Thorndike field in particular has a tendency to flood after rain storms in the back corner close to Route 2 and adjacent to the Mugar property, rendering the field unplayable for athletic use. The Arlington Soccer Club supports 1,800+ youth players and the Thorndike and Magnolia field complex represent a significant portion of our field space. On a typical weeknight, we have 100+ youth soccer players practicing at Thorndike and Magnolia, and on a typical weekend we have 20 games there. Losing time on those fields to flooding issues would significantly impact our available field space for the soccer club. Arlington already faces severe athletic field space challenges for youth and adult athletics, and the loss of playing time on Thorndike and Magnolia fields would only make the situation worse.

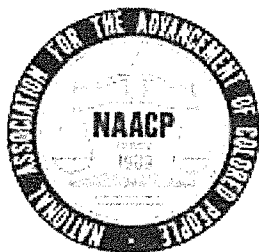
Thank you for your consideration.

Regards,

Henry Brush

Henry Brush  
Field Director and Immediate Past President, ASC  
12 Draper Ave.  
Arlington

March 26, 2021



**Mystic Valley Area  
NAACP**

**Serving  
Arlington  
Everett  
Malden  
Medford  
Winchester  
Woburn**

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[www.mva-naacp.org](http://www.mva-naacp.org)  
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E-mail:  
[info@mva-naacp.org](mailto:info@mva-naacp.org)

**RE: Affordable Housing Arlington**

Christian Klein  
Chair Zoning Board of Appeals, Town of Arlington  
51 Grove St  
Arlington MA 02476

Dear Members of the Arlington Zoning Board of Appeals:

We at the Mystic Valley Area Branch of the NAACP, which covers Arlington, Medford, Winchester, Everett, Woburn, and Malden, would like to bring the attention of the zoning board of appeals to the fact that affordable housing is a critical racial equity issue.

A 2015 report by the Federal Reserve found that the average wealth of a Black family in the Boston area was \$8—this, in contrast to \$247,500 for a White family. A major cause of this disparity has to do with exclusionary housing policies. As home ownership is the way that most Americans have built wealth, the systematic and explicit exclusion of African Americans from home ownership through government policy and practice at federal, state, and local levels is the major factor responsible for the huge wealth gap we see today. This includes redlining, zoning, restrictive covenants, predatory lending, and other mechanisms to keep African Americans from buying and keeping homes.

Nor is this a thing of the past. The recent foreclosure epidemic occasioned by subprime lending targeting African Americans who had managed, against all odds, to buy a home, meant that they were once again excluded. Today African American home owners are 70% more likely to be foreclosed upon than are white home owners.

This gap means that African American families have far fewer (to put it mildly) resources to put towards housing than do their White counterparts, having been excluded from the main source of wealth building—home ownership.

Access to affordable housing is clearly a racial justice issue: while Whites have been the beneficiaries of housing policies that have underwritten their path to homeownership, people of color, and particularly African Americans, have been consistently and relentlessly devastated by the intersection of systems designed to exclude them, housing not the least among them. Building affordable housing and making it available to those most in need of it is a critical way of demonstrating our commitment to racial justice.

Not doing so is a vote in favor of the system that continues to replicate racial inequality.

Sincerely,

Zane T. Crute  
President, Mystic Valley Area Branch of the NAACP  
Assistant Secretary, New England Area Conference of the NAACP

More information about branch activities can be found on our website:  
[www.mva-naacp.org](http://www.mva-naacp.org).

Follow us on Twitter @NAACP\_MVAB

April 2, 2021

Dear Chairman Klein and Members of the Zoning Board of Appeals–

With respect to the East Arlington proposed development called Thorndike Place (the Project) on the location known to be South of Dorothy Road (the Property) as submitted by Arlington Land Realty, LLC. (the Applicant), I respectfully submit that the land is inappropriate to be developed and any build should be completely denied due to the valid environmental, community and resident (Local Concerns) that have been raised in public comments to the Zoning Board of Appeals (“ZBA” or the “Board”).

Should the Board find that the Local Concerns can be addressed or substantially mitigated *with conditions*, I respectfully submit the following for the Board’s consideration:

- The request for a more robust description of the neighborhood to provide context of the additional conditions requested
- Suggested edits to the Draft Decision to the Thorndike Place Comprehensive Permit, including additional conditions
- Questions to the Board to facilitate the understanding of the residents of the neighborhood of the ZBA’s efforts to mitigate the concerns raised via public comments

This letter is structured by leveraging the Thorndike Place Comprehensive Permit Draft Decision, publicly posted on 3/10/2021. My intent is to support your efforts in an efficient manner by using the format you’re currently using. You’ll find the following structure in the following pages:

Draft Language Released 21_0310	This section will note the draft language, ‘as is’ from the documented posted publicly on 3/10/21 as ‘Thorndike_Place_Comprehensive_Permit_Draft_Decision_- _for_Release_21_0310 (1).pdf’
<b>Context /</b> Recommended <u>edits</u> &/or considerations	<b>Any context is provided in bold.</b> <u>Recommended edits are underlined.</u> Additional context or questions posed to the Board for additional consideration.  <i>Note, each edit or consideration is numbered for your convenience.</i>

I have attempted to capture the essence of Local Concern, but this letter of response should not be considered all-encompassing. Should the Board have any questions, please don’t hesitate to contact me.

Thank you for your thoughtful discernment on this matter to ensure that all concerns are addressed in the ZBA’s decision on the Project.

Sincerely,

Heather Keith-Lucas  
10 Mott Street

<p>Draft Language Released 21_0310</p>	<p>Section III. Factual Findings Location of Project</p> <p>14. The Project is located on a 17.7 acre parcel of land located between Concord Turnpike (Route 2) to the south and residential neighborhoods to the north and east of the Property, off Dorothy Road and Parker Road. The Property is bordered to the east by Burch Street and the Arlington Thorndike playing fields. The Property is located within the Planned Unit Development (PUD) Zoning District.</p>
<p>Context / Recommended edits &amp;/or considerations</p>	<p><b>For the correct physical location, please do the following:</b></p> <ol style="list-style-type: none"> <li>1. Correct Parker Road to Parker <u>Street</u>.</li> <li>2. Add after “Parker Street” <u>and Littlejohn Street</u>.</li> </ol> <p><b>Thorndike Place Revised Plan Sheets dated 2021-01-21 (named “2021-01-21_Revised_Plan_Sheets.pdf”) inaccurately identify the width of local roads including Littlejohn Road and Dorothy Road as “PUBLIC - 40’ WIDE” (forty-feet wide).</b></p> <p><b>Accurate descriptions are imperative to the ZBA’s discernment to whether the Project is appropriate for the neighborhood and if construction machinery required to build the proposed Property will be able to physically maneuver into and around the neighborhood in a safe manner that does not cause damage to Town or resident property. The description of the physical neighborhood aligns with additional conditions introduced in Section IV.</b></p> <p>Add the following descriptions to Paragraph 14, after “Parker Street and Littlejohn Street”:</p> <ol style="list-style-type: none"> <li>3. <u>Do Not Enter signs are in effect Monday – Friday, 7am – 9am and 4-7pm from Lake Street onto Wilson Avenue, Littlejohn Street, Homestead Road.</u></li> <li>4. <u>Lake Street is between 30-34’ wide. Trees owned by the Town of Arlington create a tree canopy that reduces the usable width of the road by larger vehicles.</u></li> <li>5. <u>Littlejohn Street is 25’ wide. Trees owned by the Town of Arlington line Littlejohn Street and the tree canopy reduces the usable width of the road.</u></li> <li>6. <u>Power lines go diagonally across Littlejohn street, the lowest height of power lines is 13’.</u></li> <li>7. <u>Dorothy Road is 25’ wide, curb-to-curb. The tree canopy extends over Dorothy Road reducing the usable width of the street. Trees owned by the Town of Arlington line Dorothy Road and the tree canopy reduces the usable width of the road.</u></li> <li>8. <u>Some trees are protected by the State of Massachusetts and are under the purview of the Town of Arlington Tree Warden.</u></li> </ol> <p><b>Significant Local Concern has been raised about the pervasive flooding of this neighborhood. The following descriptive information is submitted for context to why additional conditions are introduced in Section IV.</b></p> <ol style="list-style-type: none"> <li>9. <u>According to Arlington’s topography map the neighborhood elevation decreases six feet from Lake Street to the Property on Dorothy Road.</u></li> <li>10. <u>The neighborhood water flow from precipitation events is known to go from the higher elevation of Lake Street down towards the Property.</u></li> </ol>

11. The neighborhood is prone to flooding. Local Concern of neighborhood flooding recorded in writing and in pictures to the ZBA, including sump pumps over usage at residences near the Project, where garage floors are 22" below Littlejohn Road and 46" below Dorothy Road.
12. Local Concern of flooding is also supported by historical response to the neighborhood from Arlington Fire Department that the flooding occurs more than once a year and that the water table frequently rises.

**Concerns have been raised by the Select Board and Local residents of the incompatibility of the proposed Property and the existing neighborhood. The following descriptions are requested to be added for context as to why additional conditions, more specifically the return of the townhouses, are introduced in Section IV.**

13. The neighborhood is composed of single and two-family housing units, primarily owner-occupied with rental properties primarily with landlords who reside in one of the two-family units. The 2019 U.S. Census indicates 58% of ownership occupied units in Arlington, MA.
14. With few exceptions, houses on Littlejohn and west of Littlejohn are zoned as R1: Single Family.
15. With few exceptions, homes east of Littlejohn are zoned as R2: Two Family.
16. All homes on Dorothy Road are zoned as R2: Two Family units.

**Local concern has been raised to the ZBA about the increase in neighborhood population density. The following descriptions are provided for context for additional conditions to be placed on the Property in Section IV.**

17. The neighborhood population according to the Town of Arlington's 2020 True List of Persons report is as follows, **248 households** and **478 adults**, where "adults" is defined as individuals 17 years of age and older:
  - a. Burch Street (16 households; 33 adults)
  - b. Dorothy Road (48 households, 94 adults)
  - c. Littlejohn Street (8 households; 21 adults)
  - d. Margaret Street (36 households; 65 adults)
  - e. Mary Street (80 households; 153 adults)
  - f. Mott Street (48 households; 89 adults)
  - g. Parker Street (12 households; 23 adults)

**Add the following descriptions to Paragraph 14, after "Arlington Thorndike Playing Fields."**

18. Arlington Thorndike Playing Fields are used by the Town for recreational activities, including town-sponsored soccer practices and games. The Town of Arlington regularly monitors the condition of Thorndike Playing Fields as they frequently are too saturated with water and unsuitable for recreational use. On a typical weeknight, 100+ youth soccer players practice at Thorndike and Magnolia Playing fields and on a typical Weekend, there are 20 soccer games played.

	<p>Add the following description(s) to Paragraph 14, after “The Property is located within the Planned Unit Development (PUD) Zoning District.”:</p> <ol style="list-style-type: none"> <li>19. <u>The Property includes Wetlands.</u></li> <li>20. <u>The Property includes a Wetlands Buffer.</u></li> <li>21. <u>The Property includes a Regulatory Floodway.</u></li> <li>22. <u>The Property currently is densely populated with trees that absorb the water.</u></li> <li>23. <u>The Property provides shelter to people who are homeless whom the Property Owners allow on their land, to whom regularly receive services from the Arlington Police Department, Arlington Board of Health, and Somerville Homeless Coalition.</u></li> </ol>
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Draft Language Released 21_0310	<p>Section III. Factual Findings Civil Engineering, Site Design, and Stormwater Impact</p> <p>20.  Approximately ____% of the site will consist of impervious surface with the remainder consisting of pervious surface. The Board finds that the total amount of impervious area is _____. </p>
Context / Recommended edits &/or considerations	<p>24. Due to Local Concern of flooding, please keep the percent of impervious surface as small as possible.</p>

Draft Language Released 21_0310	<p>Section III. Factual Findings Civil Engineering, Site Design, and Stormwater Impact</p> <p>23. The Board finds that the Applicant must provide a Compensatory Flood Storage Mitigation Plan for the proposed compensatory flood storage area to mitigate the negative environmental impacts associated with vegetation removal and grading to create this new flood storage area. Said Plan shall provide the following:</p> <ol style="list-style-type: none"> <li>a. A minimum ratio of 2:1 cubic feet of compensatory flood storage of a volume not previously used for flood storage and shall be incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project.</li> <li>b. With at least a 3-year monitoring schedule with a 100% survival rate.</li> <li>c. Only native non-cultivar species shall be planted on the site.</li> <li>d. Plants shall be installed and maintained in accordance with standards of the American Association of Nurserymen (AAN).</li> <li>e. A monitoring report shall be submitted annually in June for the three-year monitoring period. The report shall include the health of the new plantings and the success of the invasive plant management. The report shall include photo documentation and yearly recommendations for future success.</li> </ol>
Context / Recommended edits &/or considerations	<p><b>Many of these requirements are to be measured after the fact. If the Applicant neglects these requirements or others made, what recourse does the ZBA have? Clear and well-documented requirements and controls are required before this project is approved on any level. The ability to provide oversight and hold the Applicant accountable for any negative impact of their site and the neighborhood is important to address Local Concerns. This request is not without cause, given the Applicant’s decades of neglect of maintaining the Property. Please consider the following questions:</b></p>



	<p>25. How do you know – for certain – that the requirements around this compensatory flood storage will remediate the flooding concerns raised by the Local Community? Given the removal of significant trees and vegetation that absorb water and displacement of earth from the build.</p> <p>26. Please define what the “100% survival rate” is referencing. A survival rate of people? Of vegetation?</p> <p>27. Please consider a longer time-period of 10-years for monitoring the impact of this Project in a flood-prone area.</p> <p>28. Please consider including a requirement to report how many of the plantings are new/replaced during the period of monitoring.</p> <p>29. Please clarify to whom this report should be directed.</p> <p>30. What are the consequences to hold the Applicant accountable to these requirements? If this is built, reports must be actionable.</p>
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Draft Language Released 21_0310	<p>Section III. Factual Findings</p> <p>Civil Engineering, Site Design, and Stormwater Impact</p> <p>27. The Board heard testimony from the Applicant and the Board’s peer review traffic consultant, including the Applicant’s Traffic Impact Study prepared by Vanesse Associates, Inc., that the Project is expected to result in approximately thirty-one (31) vehicle trips during the weekday morning peak hour and approximately thirty-eight (38) vehicle trips during the weekday afternoon peak hour. There will be an estimated four hundred, eighty-six (486) total vehicle trips on an average weekday. These figures are based upon the proposal for one hundred, seventy-six (176) units.</p>
Context / Recommended edits &/or considerations	<p><b>Local Concerns have been raised regarding the Applicant’s expectation of number of vehicles needed at the Project. Bicycles, bus or train options are not realistic for accessing necessary home goods. The location of the Project does not have direct access to Route 2 or Massachusetts Avenue. Local Concern has been made with the ZBA that the traffic study is believed to be significantly flawed, performed during a pandemic during a ‘Stay At Home’ advisory was in effect. Please incorporate additional context to this area for the ZBA to be aware of, as necessary.</b></p> <p>31. Residents of the neighborhood have indicated cars are necessary to access grocery stores, drug stores, hardware stores and general retail stores.</p> <p>32. Lake Street Traffic study performed by Transportation Advisory Committee in April of 2014 reported Lake Street traffic volumes of approximately 800 vehicles westbound in the AM peak hour and 800 vehicles was used to represent the eastbound actual existing demand during the PM peak hour. According to the Transportation Advisory Committee “Historic traffic counts have shown volumes in this range.” Further, residents note that since the 2014 traffic study, traffic increasingly became more congested, pre-pandemic.</p> <p>33. Additional traffic is also expected to be generated from:</p> <ul style="list-style-type: none"> <li>• delivery services (Amazon, FedEx, UPS, USPS, local restaurants, groceries)</li> <li>• in-home services (repairs, cleaning, health care)</li> <li>• transportation services (the Ride, Uber, Lyft)</li> </ul>

	<ul style="list-style-type: none"> <li>personal trips (to daycare, school, extracurricular activities, medical appointments, personal appointments)</li> </ul> <p>34. Should Lake Street be closed for construction vehicles for this Project's building phase, a significant amount of traffic will need to be redirected, at a minimum impacting Arlington, Belmont, and Cambridge. Of most concern, impacting access of emergency vehicles, transportation of the elderly to health care facilities, and the provision of primary needs to children.</p> <p>35. We attempted to receive information from the Town of Arlington on aggregate vehicle registration in the neighborhood. At the time of submission of this letter, this data was not yet available. Please consider local data when discerning the true number of vehicles that will likely be required for the Project, per adult and per unit.</p>
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Draft Language Released 21_0310	<p>Section III. Factual Findings</p> <p>Civil Engineering, Site Design, and Stormwater Impact</p> <p>30. The Board finds that granting certain waivers from local by-laws and regulations is acceptable even though granting waivers may have an adverse impact on Local Concerns.</p>
Context / Recommended edits &/or considerations	<p>36. Thank you for including clear list of waivers as Exhibit A (the Waiver List). If appropriate, please clearly indicate the Waiver List attached as Exhibit A is the only list of waivers granted.</p>

Draft Language Released 21_0310	<p>Section III. Factual Findings</p> <p>Civil Engineering, Site Design, and Stormwater Impact</p> <p>31. The Board acknowledges concerns raised by abutters and other interested parties about the Project's potential incompatibility with abutting residential uses, particularly relating to stormwater and floodplain impacts, as well as traffic and parking impacts. The Board has addressed these concerns by the imposition of appropriate conditions. The Board further finds that conditions detailed below appropriately address these matters of local concern in a manner that outweighs the regional need for affordable housing. The Board finds that the conditions imposed below address local and regional housing needs while properly protecting valid issues of local concern.</p>
Context / Recommended edits &/or considerations	<p>37. Please edit this to specifically define concerns <b>and</b> directly reference the conditions that are being introduced to address these concerns.</p> <p>38. Please include reference to all additional Local Concerns including the homeless population on the Property, littering of human waste, drugs and drug paraphernalia, trash, and other issues that are present on the Property.</p>

Draft Language Released 21_0310	<p>Section III. Factual Findings Civil Engineering, Site Design, and Stormwater Impact</p> <p>32. The Board finds that the construction of the Project, as conditioned, will be consistent with local needs.</p>
Context / Recommended edits &/or considerations	<p>39. Given the Comprehensive Permit Response drafted and released on 3/10/2021 is incomplete, it is yet unclear what conditions the Board is putting on the Project to ensure it indeed “will be consistent with local needs”. Once the conditions are defined by the ZBA, please allow for further public comment.</p>

Draft Language Released 21_0310	<p>Section III. Factual Findings Civil Engineering, Site Design, and Stormwater Impact</p> <p>33. The Applicant has proposed that the portion of the Property outside of the development area, shown on the plans as containing approximately ____ acres will be either placed under a conservation restriction or deeded to the Town. The Applicant has proposed a one-time payment of \$100,000, plus annual payments of \$25,000 for a period of ten (10) years for cleaning up the existing debris and invasive species on this portion of the Property.</p>
Context / Recommended edits &/or considerations	<p><b>Local Concerns have been raised about the decades of neglect of the Property and the human waste, illicit drugs/paraphernalia, and trash that has accumulated on the property. The following requests are to incorporate additional conditions and protections to the Town of Arlington.</b></p> <p>40. Please incorporate <b><i>at a minimum</i></b>, the terms recommended by Town Manager, Adam Chapdelaine, via the Memorandum dated March 1, 2021.</p> <p>41. Please include that the Applicant is responsible for a full cleanup and remediation of the Property prior to the Project commencement.</p> <p>42. Please consider additional funds may be need to:</p> <ul style="list-style-type: none"> <li>• Cover the Town’s legal fees to create a conservation area</li> <li>• Fund the multi-town services used to support the homeless population that resides on the Property and Property clean-up and maintenance.</li> <li>• The Town’s establishment of additional flood compensatory storage to mitigate the additional impact of the Project (so that Thorndike Playing Fields will be usable and neighborhood homes will not be flooded more than prior to the Project build)</li> <li>• A full ecological and hazmat survey of the property prior to any construction, with cost-analytics, mitigation requirements to render land safe for occupancy and use.</li> <li>• Creating a fund to cover homeowner insurance deductibles, both for East Arlington neighbors and residents of the Project, should residences endure increased flooding impacts due to the Project.</li> <li>• Apply a contingency reserve to cover additional problems not yet known.</li> </ul>

#### IV. CONDITIONS

Draft Language Released 21_0310	<p>Section IV. Conditions</p> <p>A.4 The Project shall consist of not more than _____ ( ) rental apartment units, located in a single residential structure, and other related residential amenities, all as shown on the Approved Plans. The Project shall consist of no more than _____ ( ) bedrooms.</p>
Context / Recommended edits &/or considerations	<p><b>A proposal of 176 units as written in the Applicant's Financial Impact Analysis dated January 8, 2021 represents a ~70% increase in the number of households in this neighborhood compared to Census. We estimate across the 176 units, there will be an additional ~300 adult residents (age 17 and older), which represents over a 60% increase in adults in the neighborhood. A significant increase in population is not compatible or consistent with the neighborhood. To address Local Concern about the compatibility / maintain consistency with neighborhood (aligned with building type and census data), please add the following conditions:</b></p> <p>43. <u>The originally proposed 6-building (12-unit) townhouses are reinstated as owner-occupied units along Dorothy Road.</u></p> <p><b>To address Local Concern regarding the Property and Project maintenance and accountability of maintenance by the Applicant, please add the following conditions (*please note that 58% is aligned with Census data noted above):</b></p> <p>44. <u>At least 58% of the units in the Project building are to be owner-occupied, not rental.</u></p>

Draft Language Released 21_0310	<p>Section IV. Conditions</p> <p>A.5 There shall be _____ ( ) vehicle parking spaces (inclusive of required handicap spaces).</p>
Context / Recommended edits &/or considerations	<p><b>To address Local Concerns regarding flooding and ground water (see comment #'s 9-12, above), and further to protect the property and personal safety of future residents of the Project:</b></p> <p>45. Please add a requirement that <u>"all vehicle parking spaces on the Property must be above-ground."</u></p>

Draft Language Released 21_0310	<p>Section IV. Conditions</p> <p>A.7 Except as otherwise specifically provided herein, where this Decision provides for the submission of plans or other documents for approval by the Director of Planning and Community Development or other Town Departments, the Director of Planning and Community Development or applicable Department Head will use reasonable efforts to review and provide a written response within forty-five (45) days following submission. For submissions that require assistance from an outside consultant, as determined by the Director of Planning and Community Development or applicable Department Head, the thirty-day time period shall not begin until the consultant's fee has been fully funded by the Applicant. Should forty-five (45) days elapse without a response as aforesaid, said plans or documents shall be deemed approved.</p>
Context / Recommended edits &/or considerations	<p><b>To address Local Concerns about the lack of completeness of building plans and allow for the appropriate Town of Arlington review/research/comment period:</b></p> <p>46. Please Include an opportunity to extend the 45-day window in the event of request by the Director of Planning and Community Development or Applicable Department Head.</p> <p>47. Please include that the 45-day window start after complete final submission of all plans/documents.</p>

Draft Language Released 21_0310	<p>Section IV. Conditions,</p> <p>A. General</p> <p><i>Note, no applicable language exists.</i></p>
Context / Recommended edits &/or considerations	<p><b>To address Local Concerns regarding flooding and protect personal property and personal safety of future residents of the Project:</b></p> <p>48. Please ADD the following condition: <u>No storage or functional common-area will be below-level of Dorothy Road.</u></p>
Context / Recommended edits &/or considerations	<p><b>To address Local Concerns regarding flooding and rodent activity:</b></p> <p>49. <u>No Trash or Recycling for the building will be below-level of Dorothy Road. All Trash and Recycling Receptacles will have closed containers, without holes or other entry-points to reduce the attraction of rodents and reduce rodent accessibility. Trash and Recycling areas will be developed with review/approval of the Arlington Board of Health.</u></p> <p>50. <u>A rodent control program shall be in place, submitted to be approved by the Arlington Board of Health and Arlington Conservation Commission to protect the wetlands, wildlife and domestic animals.</u></p> <p>51. <u>Trash and Recycling areas will not be visible from Dorothy Road.</u></p>
Context / Recommended edits &/or considerations	<p><b>To address Local Concerns regarding safety of the neighborhood:</b></p> <p>52. <u>The Property will include security cameras, at a minimum, on the rear of the building and sides of the building, as these areas not visible from Dorothy Road. Security footage will be monitored by trained personnel employed by an appropriately licensed/certified company that is responsible for the safety and security of the residents.</u></p> <p>53. <u>The rear of the property (facing Route 2) will include lighting to improve safety of residents of the Property.</u></p>

	<p>54. The Property will include security call buttons that will call directly to <u>Arlington Police Department</u> in the event of a health or safety issue. <u>The payment of these security services will be made by the Applicant.</u></p>
Context / Recommended edits &/or considerations	<p><b>Trees on the Property provide a small, but significant sight, sound, and exhaust barrier from Route 2 into the neighborhood. To address Local Concerns regarding this type of impact should the trees be removed:</b></p> <p>55. Please add the following condition: <u>The Applicant shall add a sound barrier between Route 2 and the neighborhood to be designed and approved by an appropriately licensed engineer.</u></p>
Context / Recommended edits &/or considerations	<p><b>To address Local Concern regarding impact of water damage and future integrity of the Project:</b></p> <p>56. Please add the following condition: <u>The Applicant will provide a report to the ZBA, annually in June, on the presence of mold/mildew on and in the Project. The inspection will be performed by an independent agency is licensed and certified, as applicable. The inspection company will be chosen by both the Applicant and the Town of Arlington to ensure full transparency. If upon identification of mold/mildew, the Applicant will include plans for mold/mildew remediation, at their own expense. Within 72 hours of identification of mold/mildew, the Applicant is required to inform Arlington's Department of Public Health and its tenants and potential tenants of the findings, the remediation, and any known presence of current mold or mildew.</u></p>
Context / Recommended edits &/or considerations	<p><b>In consideration of the incorrect documentation of the width of Dorothy Road as 40-feet wide and not its actual 25-foot width, please address Local Concern regarding the reduction in solar potential of neighboring houses of the Project by:</b></p> <p>57. Requiring an independent assessment from a licensed/certified solar company of any negative impact to the solar potential to homeowners in nearby homes of the Project, specifically homeowners at the corner of Littlejohn and Dorothy Road, homeowners of Dorothy Road, and homeowners on the south side of Mott Street.</p>
Context / Recommended edits &/or considerations	<p><b>In recognition of the Town of Arlington's ownership of Trees along the neighborhood roads:</b></p> <p>58. <u>Applicant is responsible for any and all damage to Town of Arlington's trees and may be fined for any damage and charged for the full replacement costs of trees of a similar age and type.</u></p>

<p>Draft Language Released 21_0310</p>	<p>Section IV. Conditions, C. Submission Requirements</p> <p>c. Submit to the Board for review and administrative approval Final Engineering Drawings and Plans (“Final Plans”), such approval to be that the plans conform to the requirements of this Comprehensive Permit and incorporate the relevant conditions herein. The Final Plans shall also incorporate all relevant conditions and requirements of permitting agencies having jurisdiction. Applicable sheets of the Final Plans shall be signed and sealed by the Professional Land Surveyor of record, the Professional (Civil) Engineer of record, and a Registered Landscape Architect. Final Architectural Plans shall be stamped by a Registered Architect. The Final Plans shall be submitted to the Board at least forty-five (45) days prior to the anticipated date of commencement of building construction or submission of an application for building permits, whichever is earlier (the “Final Site Plan Submission Date”).</p>
<p><b>Context /</b> Recommended <u>edits</u> &amp;/or considerations</p>	<p><b>To address Local Concern that the Project plans are not complete or are inaccurate, please add:</b></p> <p>59. <u>No construction may occur on the Property until Final Plans are approved by the Board. If the Final Plans are different from prior plans submitted during the public comment period, and the changes are deemed significant by the Board, the Board, in its sole discretion, may request the Applicant’s Plans be reviewed by the public and/or Mass Housing.</u></p>

<p>Draft Language Released 21_0310</p>	<p>Section IV. Conditions, C. Submission Requirements</p> <p>C.2 Prior to the issuance of any building permits, the Applicant shall:</p> <p>1. The Applicant shall provide calculations to confirm that the proposed trench drain gate at the drop-off area at the front of the proposed residential structure (Subcatchment 4S) has the capacity to capture all runoff without bypass to Dorothy Road. The stormwater design for the trench drain assumes that no runoff bypasses the drain and enters Dorothy Road. However, the calculated runoff for the 100-year storm is 1.3 cfs. If the Applicant is unable to provide calculations confirming that Subcatchment 4S does not have the capacity to capture all runoff without bypass to Dorothy Road, the Applicant shall revise the driveway grading so that it does not flow to Dorothy Road.</p>
<p><b>Context /</b> Recommended <u>edits</u> &amp;/or considerations</p>	<p><b>The following comments and questions to the Board are due to Local Concern regarding flooding. Please ensure the ZBA receives satisfactory answers from the Applicant on these points:</b></p> <p>60. Please describe the source of the 100-year storm runoff calculation of 1.3cfs. Is this the most recent FEMA map?</p> <p>61. Irrespective of the driveway grading, development of the Property will involve the removal of trees/vegetation, modification of absorptive ground in the wetlands/uplands and will prevent the natural waterflow of the neighborhood into the Wetlands. This will cause water to back up into Dorothy Road exacerbating an already prevalent water issue in the neighborhood.</p>



<p>Draft Language Released 21_0310</p>	<p>Section IV. Conditions,</p> <p><b>E. <u>Project Design and Construction</u></b></p> <p>E.1 Prior to the commencement of any work on the Property, the Applicant and the site general contractor shall attend a preconstruction conference with representatives from the Arlington Fire Department, the Department of Public Works (Arlington Water and Sewer Division and Engineering Division), Planning and Community Development and other Town staff and consultants as may be determined. The Applicant and the site general contractor shall host a meeting open to all members of the public to review the construction schedule, hours, policies, procedures, and other neighborhood impacts at least fourteen (14) days prior to the start of construction.</p>
<p><b>Context /</b> Recommended edits &amp;/or considerations</p>	<p><b>To address Local Concern about communication and safety issues during the development of the Property, please add to these conditions:</b></p> <p>62. <u>Additionally, representatives from Arlington Police Department and Arlington Health Department will be included in the preconstruction conference.</u></p> <p>63. <u>The Applicant shall compensate the Town for resources used for these preconstruction conferences in a manner that is agreed to with the Board.</u></p> <p>64. <u>All Construction Schedules, Hours, Policies, Procedures and Neighborhood Impacts will be made in writing at least 45-days prior to the start of construction.</u></p> <p>65. <u>The Public will be given at least fourteen (14) days advance notice to review such construction documents prior to the hosted public meeting.</u></p> <p>66. <u>The Public will be permitted to submit concerns in advance of the public meeting, either verbally or in writing, to the Board.</u></p> <p>67. <u>The public meeting will be sufficient in length to answer all neighborhood concerns. The determination of sufficiency will be made in the sole discretion of the Board.</u></p> <p>68. <u>The public meeting will be held at a date/time that is most likely to be accessible to the majority of neighbors (i.e. not during the weekday before 6:30pm) and if held in person, will also accommodate online format (i.e. Zoom).</u></p> <p>69. <u>All neighborhood concerns will be addressed in writing by the Applicant and be publicly available on the Board website.</u></p> <p>70. <u>Should the Board, in its sole discretion, determine the neighborhood impacts are significant and unaddressed by the Applicant or its site general contractor, the Board may in its sole discretion, direct the Applicant to remediate specific items of concerns prior to the start of construction.</u></p> <p>71. <u>Should the Board, in its sole discretion, determine concerns remain unresolved, the Board may resolve the issue in its sole discretion.</u></p> <p>72. <u>Should the Board, in its sole discretion, determine that additional Public Meetings be warranted to address public concern, the Applicant and its site general contractor will continue discussions with the Public to address concerns.</u></p>



Draft Language Released 21_0310	Section IV. Conditions, F.1 Access and egress to the Project shall be via Dorothy Road, consistent with the Approved Plans.
Context / Recommended edits &/or considerations	<p><b>The plans approved by Mass Housing had 3 egresses noted as 40-feet wide, including access/egress to Route 2. Two access/egresses were eliminated due to environmental sensitivity. However, there is Local Concern about the impact of unavoidable surge of traffic going into one road as opposed to being most appropriately distributed across 3 access/egresses. Please add to these conditions:</b></p> <p>73. <u>Applicant must verify that access and egress to the Project via Dorothy Road meets the 40-feet wide specification on the Approved Plans</u></p> <p>74. <u>The Applicant will pay the Town of Arlington for in an amount that will cover re-paving/resurfacing of all impacted local roads. The Town of Arlington will be responsible for quoting the repavement/resurfacing and hiring of a licensed company.</u></p>

Draft Language Released 21_0310	Section IV. Conditions, F.13 The Applicant shall provide a one-month Charlie Card with an unlimited bus/subway service to each adult member of a unit, up to two per household.
Context / Recommended edits &/or considerations	<p><b>Please change wording to:</b></p> <p>75. <u>On a monthly basis and for the duration of tenancy</u>, the Applicant shall provide <u>an MBTA Monthly LinkPass (or equivalent)</u> with an unlimited bus/subway service to each adult member of a unit, up to two per household per month.</p>

Draft Language Released 21_0310	Section IV. Conditions, I.6 The Applicant shall hire a qualified environmental monitor to be on-site during project construction. The environmental monitor shall submit an electronic report to the Board weekly during construction progress and relation to resource areas. During the duration of construction and mitigation plantings or other activities permitted, the qualified environmental monitor shall also submit an electronic report after every rain event exceeding .5 inches of rain in a 24-hour period to the Board regarding the condition of the Property during and after the rain event. Such report shall also include the status of erosion control measures and any additional measures to address stormwater management caused by said rain event.
Context / Recommended edits &/or considerations	<p><b>Due to Local Concern of flooding impact to neighborhood:</b></p> <p>76. For transparency about water impacts to the neighborhood, not just the Project, please consider a mechanism for current residents of the neighborhood to submit reports/complaints to the Board.</p>

Draft Language Released 21_0310	<p>Section IV. Conditions,</p> <p>I.8 The applicant, successor or assigns shall ensure the cleanliness of all catch basins and roadway affected by the project related activity. All catch basins will be protected by a “Silt Bag Inlet Protection” device or equal during the project work period. The applicant shall inspect and clean as necessary, all catch basins and sweep the roadway at least weekly during construction. It may be required more frequently during rain events.</p>
Context / Recommended edits &/or considerations	<p><b>Due to Local Concern of flooding impact to neighborhood:</b></p> <p>77. During construction, please consider requiring the Applicant to distribute “silt bag inlet projection” devices or equivalents to residents who reside within the construction path.</p>

Draft Language Released 21_0310	<p>Section IV. Conditions,</p> <p>I.24 The application of plant nutrients shall comply with 330 CMR 31.00. No other herbicides or treatment methods may be utilized on the Property. No pesticides or rodenticides shall be used to treat pest management issues within resource areas.</p>
Context / Recommended edits &/or considerations	<p><b>Due to environmental concerns and to prevent rodents or pests that have consumed pesticide or rodenticide from contaminating the Wetland:</b></p> <p>78. Please update to...”No pesticides or rodenticides shall be used to treat pest management issues <u>on the Property.</u>”</p>

From: Frederick Rowland <Frederick.Rowland@live.com>  
To: "Christian Klein <cklein@town.arlington.ma.us>" <cklein@town.arlington.ma.us>,  
"zba@town.arlington.ma.us <zba@town.arlington.ma.us>"  
<zba@town.arlington.ma.us>  
Cc: "Steve DeCoursey <sdecoursey@town.arlington.ma.us>"  
<sdecoursey@town.arlington.ma.us>, "Clarissa Rowe Home  
<clarissa.rowe@comcast.net>" <clarissa.rowe@comcast.net>, "Jeanette Cummings  
<jecummings87@gmail.com>" <jecummings87@gmail.com>, "Rogers Dave - Rep.  
(HOU) <dave.rogers@mahouse.gov>" <dave.rogers@mahouse.gov>, "Senator Cindy  
Friedman <cindy.friedman@masenate.gov>" <cindy.friedman@masenate.gov>  
Date: Tue, 6 Apr 2021 17:30:12 +0000  
Subject: Thorndike Place Respnse

**CAUTION:** This email originated from outside of the Town of Arlington's email system. Do not click links or open attachments unless you recognize the REAL sender (whose email address in the From: line in "< >" brackets) and you know the content is safe.

Dear Chairman Klein and members of the Zoning Board of Appeals,

I fully endorse the letter of April 2, 2021 of Heather Keith-Lucas in opposition to the development called Thorndike Place.

This development of a large multistory building, to be constructed in a flood plain, does not belong in a small neighborhood of one and two family homes.

In addition the traffic estimates, which I personally believe are low, will transform what is currently a reasonably child safe neighborhood into one in which a new vehicle transits every 60 to 90 seconds during the 12 hours of daytime. In addition this will make exit onto Lake Street, the neighborhood one entrance/exit road, that much more difficult especially during rush hours.

If this project is approved it should only be done so with the smallest impact on the environment possible.

In addition to what is in the Keith-Lucas letter I would add that if there is a need from the developers perspective to drive pilings or do blasting of any sort they need to accept responsibility for any and all damage to surrounding property and structures, as well as any psychological harm they cause individuals susceptible to that activity.

If possible developments of this sort should be held to very high standards of energy conservation and power procurement for HVAC, heat, hot water, cooking, washing/drying clothes, etc. They should be held to a standard of no fossil fuel use at minimum.

Thank you for your consideration and hard work,

Frederick Rowland  
10 Mott Street



From: Anna Yuan <adyuan@gmail.com>  
To: ZBA@town.arlington.ma.us, Christian Klein <cklein@town.arlington.ma.us>  
Cc: Heather Keith-Lucas <hkeithlucas@yahoo.com>, Steve DeCoursey  
<sdecoursey@town.arlington.ma.us>  
Date: Mon, 5 Apr 2021 17:52:02 -0400  
Subject: Thorndike place

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Dear Chairman Klein and honorable members of the ZBA,

I would like to voice a strong opposition to the Thorndike Place development, on behalf of my family and also several of my adjacent neighbors who have not been able to be involved with contacting the ZBA due to language and/or technology hindrances. I am attaching Heather Keith-Lucas' responses to the ZBA's draft decision as I fully agree with the issues she raised in the document.

I am also concerned for the future residents of Thorndike Place who do not have a voice in this current situation. Imagine you move in with the shiny promises of affordable housing and car-free living. You quickly realize that there is no grocery store within walking distance so you rent a Bluebike to ride the 4 miles round trip to Stop n Shop to get groceries, but only what you can carry on your back and praying the eggs won't break. This is not enough to eat and you can't keep making this trip every day with a family to feed.

So you do a car share, if you can find a rental car close enough to walk to, and if there is even one available since the other 300 tenants of your building have the same idea. But the costs for renting a car for each and every errand, purchase, doctor's appointment, grocery trip, bank transaction, UPS drop off, and taking kids to and from daycare every day gets so frequent and expensive that you might as well own a car. So then you buy one and realize that it takes almost an hour to get out of your neighborhood on Lake St and then once you get on the highway you're gridlocked on route 2 which is backed up mornings and afternoons and you can't get to work on time.

You resort back to using the T, which is a 25 min walk or about an hour round trip, dragging your kids back and forth, hauling a stroller, and try to cram in the crowded train for every single errand or appointment or purchase. On the daily walk in the rain, sleet, or snow you notice the houses across Thorndike field are floating in water every time it rains, and you think how unsuitable it was to build on such wet land. Your shoes are now ruined so you make a mental note to buy sturdy rain boots for you and your family, yet another errand to run, since you will need to routinely trudge through the

water and mud, as well as the discarded drug needles dumped for decades on the Mugar Wetlands.

Then you find out that your newly purchased car and belongings are wet and damaged from flooding in your garage and storage room, and you don't know who to hold accountable. There's also mold from the frequent flooding and water accumulation, and you and your kids are getting respiratory illnesses from it, and you don't know who to hold accountable. There is a rat infestation in your building because the existing rat problem in the neighborhood is now worse, and they carry more diseases for you and your family. Your kid gets hit by a car since there is way too much traffic in the neighborhood, but you don't know who to hold accountable for it, and don't have the money to hire investigators and lawyers to prove it could have been prevented and trace the legal liability.

You find out that your neighbors have experienced and raised these **exact** issues **publicly** in public hearings and public documents for years, and yet this building was still allowed to go up. And you are politically powerless and economically disadvantaged, and don't have the money to hire lawyers and litigate for your rights. And by the way you will be evicted in less than 20 years because these apartments are actually meant to be expensive— they only used an affordable housing loophole in order to push their project through based on inconsistent environmental safety metrics. And by this time the developers and their lawyers are long gone with your money in their pockets. There's no one accountable.

Because you should just be grateful that some rich white developers let you pay for a place to live for a few years, with no consideration to your quality of life and your frustrations of daily life, as a poor person of color. And isn't this how insidious systemic oppression works in this country? So the question is whether this group wants to be complicit in the powerful exploiting the powerless for their own gain, or say a clear NO to promoting this system of social and racial injustice.

Thank you,  
Anna Kukharskyy  
34 Mott St.

From: Suzanne Shoesmith <sue.shoesmith@gmail.com>  
To: zba@town.arlington.ma.us, cklein@town.arlington.ma.us  
Date: Sun, 4 Apr 2021 20:47:45 -0400  
Subject: Thorndike Place Response

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Hello Chairman Klein and members of the ZBA :

I am attaching the response submitted by Heather Keith-Lucas to the ZBA's draft decision dated 3/10/21 regarding the Comprehensive Permit decision for Thorndike Place. I strongly agree with and support all of the responses in the attached document.

Thank you,

Bill and Sue Shoesmith  
53 Dorothy Road

From: Dilip Krishnan <dilipkay@gmail.com>  
To: cklein@town.arlington.ma.us  
Date: Sun, 4 Apr 2021 12:45:55 -0400  
Subject: Thorndike Place - significant concerns

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Chairman Klein and members of the ZBA,

I'm attaching Heather Keith-Lucas' response to the ZBA's draft decision as my endorsement of her arguments. Along with the numerous issues raised by her, I would like to add the following two issues:

1. Starting 2019 through 2020, there was development (Tempo Cambridge) similar in size and scope to the proposed development, across Route 2 from my property. The resulting heavy pounding of foundations led to a number of tremors that we felt. This resulted in cracks in my foundation and required repairs to the tune of \*thousands\* of dollars. I also suffered from water leakage into my basement (from the cracks). My experience is not unique: at least 3 of my neighbors have suffered similar cracks and issues due to the Tempo Cambridge construction. An even closer construction as the proposed one, would surely result in more significant damage to my property and that of my neighbors.

2. My house receives good sunlight from the Southerly directions, and I plan to add solar panels to take advantage. Furthermore, we receive good sunlight from the South-West in the afternoon. My master bedroom windows only receive light from this direction. All of this light would be \*completely\* blocked by the proposed development due to the proposed height. Again, multiple neighbors on Dorothy Road would be affected by this loss of sunlight.

Both the above issues threaten my property's value to a significant extent. I hope that existing residents' environmental, social and lifestyle concerns are taken into account.

Thank you for your consideration.  
Dilip Krishnan  
54 Dorothy Rd



From: Heather Keith-Lucas <hkeithlucas@yahoo.com>  
To: "zba@town.arlington.ma.us" <zba@town.arlington.ma.us>, Christian Klein  
<cklein@town.arlington.ma.us>  
Cc: Steve DeCoursey <sdecoursey@town.arlington.ma.us>, Clarissa Rowe Home  
<clarissa.rowe@comcast.net>, Jeanette Cummings  
<jecummings87@gmail.com>, "Rogers Dave - Rep. (HOU)"  
<dave.rogers@mahouse.gov>, Senator Cindy Friedman  
<cindy.friedman@masenate.gov>  
Date: Fri, 2 Apr 2021 22:55:53 +0000 (UTC)  
Subject: Thorndike Place Response

**CAUTION:** This email originated from outside of the Town of Arlington's email system. Do not click links or open attachments unless you recognize the REAL sender (whose email address in the From: line in "< >" brackets) and you know the content is safe.

Hello Chairman Klein & members of the ZBA -

Please find my detailed response to the ZBA's draft decision dated 3/10/21 of the Comprehensive Permit decision for Thorndike Place.  
Should you have any questions, please let me know.

Thank you,

Heather Keith-Lucas  
10 Mott Street

## **FLOODING/STORMWATER**

The Board has received evidence of the history of flooding on and around the site, a remnant of the “Great Swamp” of Alewife lying almost entirely within the FEMA-designated 100-year flood plain; that “historical reports indicate that flooding occurs beyond the 100-year flood extents shown”<sup>1</sup> by FEMA; that “neighborhoods surrounding the Mugar Property have a long history of street and basement flooding during and after storm events”<sup>2</sup>; and that “Alewife Brook runs ‘backwards’ (away from the Mystic River) during large rain and flood events, which may contribute to flooding of the Property and its neighborhood.”<sup>3</sup>

The Board has addressed these concerns by the imposition of appropriate conditions and finds ...

## **OPEN SPACE NEED**

The Board has received evidence of the policies and efforts of local and state government to preserve the subject parcel for Open Space purposes; that a 1992 MDC study ranked the site 3<sup>th</sup> highest priority for conservation of 205 key open space parcels not yet protected in the metropolitan area<sup>4</sup>; that in 2000 the agency “reiterate[d] its belief that the Mugar parcel is among the most significant, privately owned Open Space parcels remaining in the metropolitan region”;<sup>5</sup> and that in 2015 its successor agency DCR “acknowledge[d] that permanent protection of the site would complement other protected open spaces in and around Alewife Brook”<sup>6</sup>; and that the parcel abuts other protected Open Spaces including the Minuteman Bikeway and Thorndike Field.

It has received evidence that the Town of Arlington has consistently identified the parcel as a top priority for Open Space; that Town Meeting in 2000 and again in 2001 voted to direct the Select Board to negotiate with the owner to acquire the site; and that the Trust for Public Land was engaged to assist with negotiation, repeated efforts at which were unsuccessful.

It has received evidence of the Town’s policy that the parcel is needed for Open Space, which has been consistently articulated in its planning documents. The Town’s Master Plan names the parcel “a high priority for preservation”.<sup>7</sup> Arlington’s Open Space and Recreation Plan (2015-2022), adopted as a Town policy document by the Arlington Redevelopment Board acting as the Town’s planning board,<sup>8</sup> states that “The 17-acre Mugar property in East Arlington remains the highest priority goal for acquisition and protection as open space and floodwater storage.”<sup>9</sup>

The Board has addressed these concerns by the imposition of appropriate conditions and finds ...

---

<sup>1</sup> Nover-Armstrong to Town Counsel, 10 August 2015

<sup>2</sup> Arlington Conservation Commission, 6 August 2015

<sup>3</sup> Arlington Conservation Commission, 6 August 2015

<sup>4</sup> Metropolitan District Commission Land Acquisition Program, 1992

<sup>5</sup> MDC to Secretary of EOE, 19 Oct 2000

<sup>6</sup> DCR Commissioner to Sen. Donnelly et al, 21 July 2015

<sup>7</sup> Master Plan adopted 4 Feb 2015, pp12 and 44

<sup>8</sup> Arlington Redevelopment Board, 30 March 2015

<sup>9</sup> Open Space & Recreation Plan 2015-2022, p10

----- Forwarded message -----

From: **Brian Rehrig** <[brehrig@alum.mit.edu](mailto:brehrig@alum.mit.edu)>

Date: Sun, Mar 28, 2021 at 4:07 PM

Subject: RE: Mugar; Findings re site history and conditions

To: Patrick Hanlon <[patrick.m.hanlon@gmail.com](mailto:patrick.m.hanlon@gmail.com)>

Cc: Christian Klein <[cmqklein@gmail.com](mailto:cmqklein@gmail.com)>

Pat,

Attached is draft language for your consideration covering flooding/stormwater and open space planning issues. I've kept both short and to the point. If you feel more historical information is needed I'm happy to expand.

Best regards,  
~Brian

April 8, 2021

William Fuchs  
7 Cleveland Street  
Arlington, MA 02474

Town of Arlington  
c/o Christian Klein  
Zoning Board of Appeals  
730 Massachusetts Avenue  
Arlington, MA 02476  
[zba@town.arlington.ma.us](mailto:zba@town.arlington.ma.us)

Re. Comments on draft Decision on Application for Comprehensive Permit for Arlington Land Realty, LLC's proposed development Thorndike Place.

Dear Mr. Klein,

Thank you and the other board members for the extensive and rigorous review of this project. While I continue to believe that this is an unfortunate site for this development, the draft comprehensive permit and revised plans will result in a substantially better project than the original proposal.

There are clauses in the draft comprehensive permit that I please accept my comments on the draft comprehensive permit for the proposed Thorndike Place development (please see the five comment pages below).

Should you or other members of the review team wish to contact me for further discussion of any of my comments, please reach out to me at (508) 789-9070 or [billfuchs3@aol.com](mailto:billfuchs3@aol.com).

Best wishes,

/Bill Fuchs/

Compensatory Flood Storage Mitigation. Page 6-7, 23.b and e. currently read “b. With at least a 3-year monitoring schedule with a 100% survival rate” and “e. A monitoring report shall be submitted annually in June for the three-year monitoring period. The report shall include the health of the new plantings and the success of the invasive plant management. The report shall include photo documentation and yearly recommendations for future success.”

Suggested changes/additions are shown in bold italics below:

b. With at least a 3-year ***vegetation*** monitoring schedule with a ~~100%~~ ***95% planting*** survival rate.”

e. A monitoring report shall be submitted ***[to the ZBA]*** annually in June for the three-year monitoring period. The report shall include the health of the new plantings and the success of the invasive plant management. The report shall include photo documentation and yearly recommendations for future success.

***f. If the survival rate of the plantings is less than 100% dead and failing plantings will be replaced with healthy plants of identical species of similar size.***

***g. If monitoring shows that plant survivorship and health is less than 95% in the third-year report annual monitoring and replanting will continue until target plant survivorship and health goals are achieved.***

***h. If target invasive species management goals are not achieved and documented in the third-year report invasive plant management and annual reporting will continue until invasive plant management goals are met.***

Note: 100% planting survival rate is unrealistic and unlikely to survive challenge. Vegetation in the flood storage area should be maintained in perpetuity so flood storage capacity is maintained. Invasive plants in the flood storage area should be managed in perpetuity or they will displace native species over time.

Page 7, 24 reads “The Board finds that the Applicant must provide adequate quantity of vegetation and that said vegetation shall be maintained to provide the resource area values protected by the Bylaw. Further, the Applicant shall submit an Invasive Species Management Plan for work in the AURA and other resource areas which identifies the location of invasive species management, species and quantities of invasive plants to be managed, and methods of removal and control of each species.”

I agree with this statement and suggest that the applicant should be required to set and meet specific annual and final goals for invasive species management and be required to maintain the treated area under those goals in perpetuity.

Page 14.X. Construction details reads “All plantings shall consist of native, non-invasive, drought-tolerant species. Plantings installed along drives and walkways shall also be salttolerant. The final landscaping plans shall preserve the existing perimeter tree cover to the greatest extent practicable. Twelve (12) months after completion of plantings, the Applicant shall remove and replace any dead or diseased plantings and trees serving as screening. The contract with the Management Company shall address ongoing maintenance of landscaping features.”

Plantings by the applicant described on Page 6.23 include a monitoring and replacement period of three years. I suggest that the three year monitoring and replacement period be applied to this section also.

Page 22-24.F3-F19. The proposed measures to limit automobile ownership (limited number of parking spaces, fee for parking...), permit convenient electric vehicle charging, and promote the use of alternative transportation (bicycle storage, blue bike station, providing Charlie Cards...), etc. are innovative and well conceived.

Wetlands. Page 26-31. The proposed measures and requirements including the requirement that the applicant permit through the Arlington Conservation Commission are well conceived and appropriately protective of wetland resources and adjacent buffer zones, AURAs, etc.

Page 29.I.24states “ The application of plant nutrients shall comply with 330 CMR 31.00. No other herbicides or treatment methods may be utilized on the Property. No pesticides or rodenticides shall be used to treat pest management issues within resource areas.”

Effective initial control of most invasive plant species is difficult or impossible without the use of herbicides. Herbicides are frequently useful in maintaining control of invasive plants. Cutting is rarely an effective control, pulling creates significant soil disturbance that is often rapidly colonized by invasive plant species, tarping leaves bare soils that are frequently colonized by invasive plants.

I suggest modifying the absolute prohibition on the use of herbicides within resource areas to a requirement that herbicides only be used following the submission of a Notification of Intent to the Arlington Conservation Commission and receipt of an Order of Conditions from the Arlington Conservation Commission permitting herbicide use. Herbicide use is permitted under the Massachusetts Wetland Protection Act under an order of conditions.

Page 30.I.30-.I31 discuss invasive plant management and native species planting.

These sections refer to invasive Management...”. The correct term is “invasive plant management”.

Section I.30 describes the invasive management plan. The plan should include measurable goals for both initial control and, once invasive plant populations have been reduced below threshold levels, goals for maintenance invasive plant management to maintain invasive plant populations below threshold levels.

Invasive plant management should continue in perpetuity or the site will eventually revert to having invasive plants dominate the site.

Section I.31 asks for a planning survival rate of 100%. Even under ideal conditions a 100% rate is virtually impossible to achieve. I suggest a lower survival goal with a requirement that any dead or unhealthy plants be replaced.

Page 31.I-36-I.37 read “. I.36 The Applicant shall revise the Long-Term Pollution Prevention & Operations and Maintenance Plan to include requirements for inspection and cleaning of trench drains and the roof stormwater outlet to ensure these are functional prior to significant rain events. I.37 The Applicant shall revise the Long-Term Pollution Prevention & Operations and Maintenance Plan to include provisions for maintenance and cleaning of compensatory flood storage areas to ensure these remain functional.”

These plans and maintenance activities should be in perpetuity to ensure that their functions are maintained in perpetuity. A monitoring/inspections schedule should be included in the plans which should include inspection following flooding and extreme storm events.

Inspection and maintenance activities should be logged. These logs should be available for inspection and copies of these logs should be submitted to the board or the conservation commission annually.

I suggest that the board require that these plans be updated and reviewed by the town periodically. Revisions should be based on the efficacy of past inspection and maintenance activities.

Installing visible, permanently mounted gauges/measuring posts within the sediment collection structures facilitates inspection and maintenance of these structures.

Waivers. Page 35.

There is no draft text indicating if the waivers listed as numbers 4-6 are to be granted, granted with conditions, or denied. Please see comments in bold text following the original text of the request from the draft decision document:

4. Town of Arlington Wetlands Regulations, Section 24 “Vegetation Removal and Replacement”: This section requires an application process in which the Applicant must list all species existing and all proposed replacement species within resource area, including specific requirements for deciduous trees, evergreen trees and shrubs. The Applicant requests a waiver to allow for the Applicant to provide a detailed re-vegetation plan of all areas not otherwise permanently altered for emergency access road or those portions of the southerly side of the building within the floodplain, and to allow a revegetation plan acceptable with industry standards.

Board Action:

The request to reduce planning/reporting requirements to “industry standards” is contrary to requirements listed in earlier sections of the draft decision document (page 5.21 and 5.21.a, 6.21.h, pages 13-14.d). The detailed documentation is also required to permit the applicant to report on the health and survivorship of plantings as required in the draft decision document (page 30.I.29) and

should be denied or approved the condition that planning and reporting required in the decision document must be provided.

5. Town of Arlington Wetlands Regulations, Section 25 “Adjacent Upland Resource Areas”: This section regulates the 100-foot buffer zone to resource areas. The Applicant requests a waiver to allow for grading and compensatory flood storage as shown on the Approved Plans, and for limited permanent impacts to the outer AURA area for emergency access road, and portions of the garage structure. No alteration will occur within 25’ to a state-listed wetland resource area.

Board Action:

Consistent with other waiver decisions made in the draft decision document I suggest the following:

Board Action: Waiver Denied. To the extent that this waiver request constitutes a request for a waiver of the procedural requirements under the Wetlands Bylaw and Wetlands Regulations, this request is denied as unnecessary, as the procedural requirements of other local permitting processes are subsumed into the comprehensive permit process.

6. Town of Arlington Bylaws, Title V (Regulations Upon Use of Private Property), Article 8, Section 11 “Bond to Secure Corrections of Flooding Conditions”: This section requires an applicant to post a bond where a structure in excess of 6,000 square feet in area is proposed within two hundred yards of an existing stream or wetland to post a proper bond sufficient in the opinion of the Commission to secure performance of measures necessary to correct any flooding conditions resulting from the construction. The Applicant requests a waiver of this provision.

Board Action:

If the storm water storage and infiltration structures proposed by the developer are not maintained, there is a high likelihood that this development will substantially contribute to off-site flooding. The bond should be required both to mitigate potential off-site flooding damage and to encourage good on-site facilities maintenance.

Page 36.9. Town of Arlington Bylaw, Title V, Article 15, Sections 1-5 “Stormwater Mitigation” – Board Action:

No text describing the waiver request or any potential board action is included in this draft. Effective stormwater mitigation is one of the most locally and regionally significant issues addressed in this draft permit.

Page 38.20. Arlington Zoning Bylaws, Article 6, Section 6.30 “Open Space Regulations for Planned Unit Developments”: This section sets forth a minimum requirement of 10% landscaped and 10% useable open space for apartments in the PUD Zoning District. The Applicant requests a waiver to allow for less than 10% useable open space. Board Action:



Open space is a key requirement of both the human environment and natural areas. If the board chooses to approve the waiver for this site, I suggest requiring the applicant to provide compensatory new public open space proximal to the property.

**Matthew McKinnon**

9 Littlejohn St.  
Arlington, MA 02474  
(617) 797-4853  
Matthew.Logan.McKinnon@gmail.com

8th April 2021

**Arlington Zoning Board of Appeals**

51 Grove Street  
Arlington, MA 02476

Dear Members of the Arlington ZBA,

I'd like to thank you for your due diligence and attention to this matter of the Thorndike Place Development. You've given me numerous opportunities to publicly voice my questions and concerns for the project, and for that I'm grateful.

Since a decision by the ZBA regarding the Thorndike Place Development is due soon, I'd like to take one last opportunity to voice my complete opposition to the project as submitted by the applicant.

The applicant used a strong arm tactic to propel the project forward when there was already widespread opposition by the Town of Arlington, and by members of the community in which the development would reside. Not only presently, but a long running historical opposition of previous attempts to develop on the Mugar land have taken place.

The strong arm tactic is the use of the Massachusetts Comprehensive Permit Act: Chapter 40B. The 40B process provides a tool for developers to avoid inadvertent consequences and expenses of local zoning bylaws when attempting to construct affordable housing. The town of Arlington has not made it difficult nor prohibitively expensive for appropriate affordable housing to be developed.

The gift of the remaining undeveloped land to the Town of Arlington, although generous, is also liable to be a burden if the presently deplorable conditions of the site are now strictly an Arlington issue. The Mugar family, as proven in my questioning of the matter on the 16th of February, and the 11th of March 2021 ZBA meetings, have offered zero assistance to our town, surrounding towns, or the abutters, when it comes to any cleanup, disturbances, or illegal activity on the property. The cost of cleanup, especially on an ecologically sensitive site, could be enormous. These costs may become the burden of Arlington tax

payers, and most likely hurt the population you're trying to assist when approving appropriate projects.

Flooding is an issue that is well documented surrounding the location proposed for the development. Recent documented flooding events have occurred in 1996, 1998, 2001, 2010, 2015, and 2017. The Mugar land was utilized in the 2001 storm event by the DPW to hold water pumped out from a flooded Route 2. The Mugar land was also specifically noted as an area of concern that was vulnerable to flooding by the Municipal Vulnerability Preparedness (MVP) program administered by the Massachusetts Executive Office of Energy and Environmental Affairs. The town of Arlington enrolled in this workshop after the July 2017 rainstorm event.

The water table is high in my neighborhood, and this fact should be a data point collected not only near the development, but moving away from the development as well. The water table was mentioned in the 11th of March 2021 ZBA meeting to be around grade 3, and the underground parking garage to begin between grade 2 and 3. It should be noted that these measurements were done during a drought.

Since both land and groundwater will be displaced by the development, and previously pervious surfaces are replaced with non pervious ones, water table testing should continue seasonally to monitor any changes for a number of years. We can see how the landscape hills and valleys will impact where the water will go, but where the water table underground flows is not well documented; except for flooded basements and sump pumps running continuously for weeks on end after heavy rains or snow melts.

"We have a high-priority goal to alleviate the neighborhood flooding problem through the engineering solutions of our proposed plan. The plan has been newly designed to fit the current housing design for the property, and concurrently reduce the adjacent homes' flooding." - Gwen Noyes, 15th of March, 2015. However, she continued: "Groundwater is not our purview."

Clarissa Rowe, a former selectman, called Gwen's quote on groundwater incorrect: "By state law, the property developers must keep their water problems to themselves and not impact adjacent homeowners," she wrote.

Traffic concerns are also an issue with the proposed development. The submitted documents for the development all show Littlejohn St. and Dorothy Rd. as public roads being 40 feet wide each, but they are actually 25 feet wide, which is a large and glaring error. If these incorrect measurements are being told to GreenStaxx, the design company who is also owned by the development manager, Oaktree, then these errors could lead to cut down trees along Littlejohn St. Please assure GreenStaxx can prove to the town that their trucks can maneuver these streets fully loaded.

The main access roads for the development will be Littlejohn St. and Dorothy Rd. On the 8th of March, 2021, the lawyer for the applicant, Stephanie A. Kiefer, wrote to Jessica Malcolm, Manager of Planning and Programs Massachusetts Housing Finance Agency; in this letter she mentions the eight driveway curb cuts being streamlined down to just one. However, what she failed to mention is the density issue when it comes to traffic on these two narrow streets.

Seven of the eight curb cuts mentioned by Stephanie Kiefer were previously planned as driveways for multi-family home ownership units. These units would have been able to provide for two cars each, totaling 14 extra cars on Dorothy and Littlejohn. Adding 14 extra cars on two narrow local roadways is a reasonable addition to our community.

These ownership units have since been removed, and replaced by a single apartment complex of 172 units. Streamlined down to one curb cut is underground parking spaces for 179 vehicles, plus surface parking for an additional 35 vehicles. This is an unimaginable amount of traffic on our small community roads.

The Arlington ZBA is tasked with being a buffer of sorts between the Town of Arlington, its residents, and the whims of developmental progress; I understand the bipartisan nature of the position you've been appointed to serve. However, it would disturb me greatly to see this project accepted as-is, or even accepted with conditions as recently drafted. Doing either of these two things would turn the back of the ZBA to the Town of Arlington, the Conservation Commission, the Arlington Land Trust, the Select Board, our state representative, the Middlesex state senator, and a large majority of the population who have been fighting against any development on this land for so long.

Please do consider all local concerns as mentioned in your draft.

With utmost respect to the Mugar family, and the Arlington ZBA,

A handwritten signature in black ink, appearing to read 'Matthew McKinnon', with a stylized, looped flourish at the end.

Matthew McKinnon  
9 Littlejohn St., Arlington, MA

From: Erin Freeburger <erin.freeburger@gmail.com>  
To: zba@town.arlington.ma.us, CKlein@town.arlington.ma.us  
Cc: Diane Mahon <dmahon@town.arlington.ma.us>, Steve DeCoursey  
<sdecoursey@town.arlington.ma.us>, Len Diggins <ldiggins@town.arlington.ma.us>, Jeanette  
Cummings <jecummings87@gmail.com>, Clarissa Rowe Home <clarissa.rowe@comcast.net>  
Date: Tue, 16 Mar 2021 13:26:23 -0400  
Subject: Understanding the Size and Scope of the Mugar Wetlands Project

**CAUTION:** This email originated from outside of the Town of Arlington's email system. Do not click links or open attachments unless you recognize the REAL sender (whose email address in the From: line in "<>" brackets) and you know the content is safe.

Dear ZBA Board Members,

With the limited sketches and drawings submitted by Oaktree, I struggled to understand the size and scope of Oaktree's proposed development within the context of our neighborhood.

So, in order to better understand, I compared images shared from the Oaktree developers with Google Maps.

Attached are some images that provide some context of their proposal, within the realities of our neighborhood, that I wanted to share.

Google Doc link: <https://docs.google.com/presentation/d/1fDAJSLxd2XdYDjOv5eu-tTPWHXugvjn-0YoM0R4VhEM/edit?usp=sharing>

PPT: *attached*

Thanks,  
Erin Freeburger  
20 Parker Street

Please include this email and the attachment in the public record.

# Understanding the Size and Scope of the Mugar Wetlands Project

# Background

I struggled to understand the size and scope of Oaktree's proposed development within the context of our neighborhood.

So, in order to better understand, I compared images shared from the Oaktree developers with Google Maps.

Here's what I learned...

Here is the Image from Oaktree Developers



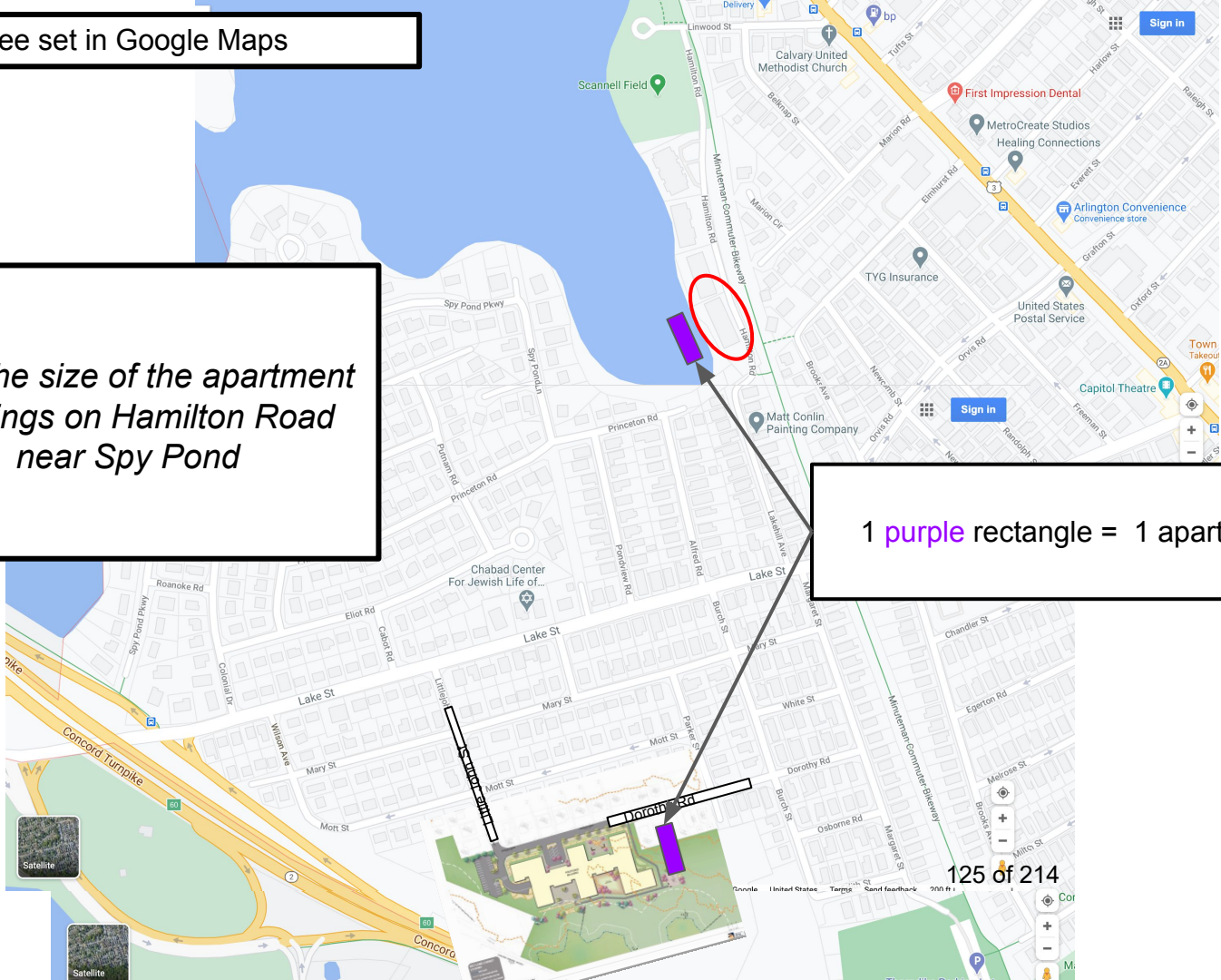
ILLUSTRATIVE LANDSCAPE PLAN  
THORNDIKE PLACE  
DORTHY ROAD IN ARLINGTON MASSACHUSETTS



## Images from Oaktree set in Google Maps

*Note the size of the apartment buildings on Hamilton Road near Spy Pond*

1 purple rectangle = 1 apartment building



*Note the size of the apt buildings in comparison to the proposed building*



1 purple  
rectangle = 1  
Apartment  
Building

Oaktree Building = ~5 Spy Pond Apartment buildings

(Note: Spy Pond complex is 4 buildings)

$\frac{1}{2}$

$\frac{1}{2}$

$\frac{1}{2}$

$\frac{1}{2}$

1 purple  
rectangle = 1  
Apartment  
Building

WETLAND EXHIBIT  
LEGEND  
WETLAND  
100' WETLAND BUFFER  
50' WETLAND BUFFER  
FLOODPLAIN / FLOODWAY

Here is the Image from Oaktree Developers in the context of our neighborhood







PROPOSED  
BUILDING

1 blue shape  
= 1 Dorothy  
Rd home



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BUILDING

1 blue shape  
= 1 Dorothy  
Rd home



PROPOSED  
BUILDING

1 blue shape  
= 1 Dorothy  
Rd home



1 blue shape  
= 1 Dorothy  
Rd home





1	2	3	4
9	10	11	12

17	18	19	20
28	29	30	31
39	40		
45	46		

5	6
13	14
21	22
32	33
41	42
47	48

23	24	25
34	35	36

7	8
15	16
26	27
37	38
43	44
49	50

51	52
53	54

1 blue shape  
= 1 Dorothy  
Rd home

1 Oaktree development = 54 homes



1 Oaktree development = 54 homes



1 Oaktree development = 54 homes

# Say NO to the Mugar Development

With further context and understanding, it is clear that this proposed development **is not** in the scope, style, and spirit of our neighborhood.

Thank you for your support,

Erin Freeburger  
20 Parker Street



## Town of Arlington, Massachusetts

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### Thorndike Place - Freeburger

#### ATTACHMENTS:

Type	File Name	Description
▣ Reference Material	E_Freeburger_email_3-16-21.pdf	E Freeburger email 3-16-21
▣ Reference Material	Mugar-Size-and-Scope_(1).pdf	Mugar-Size-and-Scope (1)

From: Erin Freeburger <erin.freeburger@gmail.com>  
To: zba@town.arlington.ma.us, CKlein@town.arlington.ma.us  
Cc: Diane Mahon <dmahon@town.arlington.ma.us>, Steve DeCoursey  
<sdecoursey@town.arlington.ma.us>, Len Diggins <ldiggins@town.arlington.ma.us>, Jeanette  
Cummings <jecummings87@gmail.com>, Clarissa Rowe Home <clarissa.rowe@comcast.net>  
Date: Tue, 16 Mar 2021 13:26:23 -0400  
Subject: Understanding the Size and Scope of the Mugar Wetlands Project

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PPT: *attached*

Thanks,  
Erin Freeburger  
20 Parker Street

Please include this email and the attachment in the public record.



# Understanding the Size and Scope of the Mugar Wetlands Project

# Background

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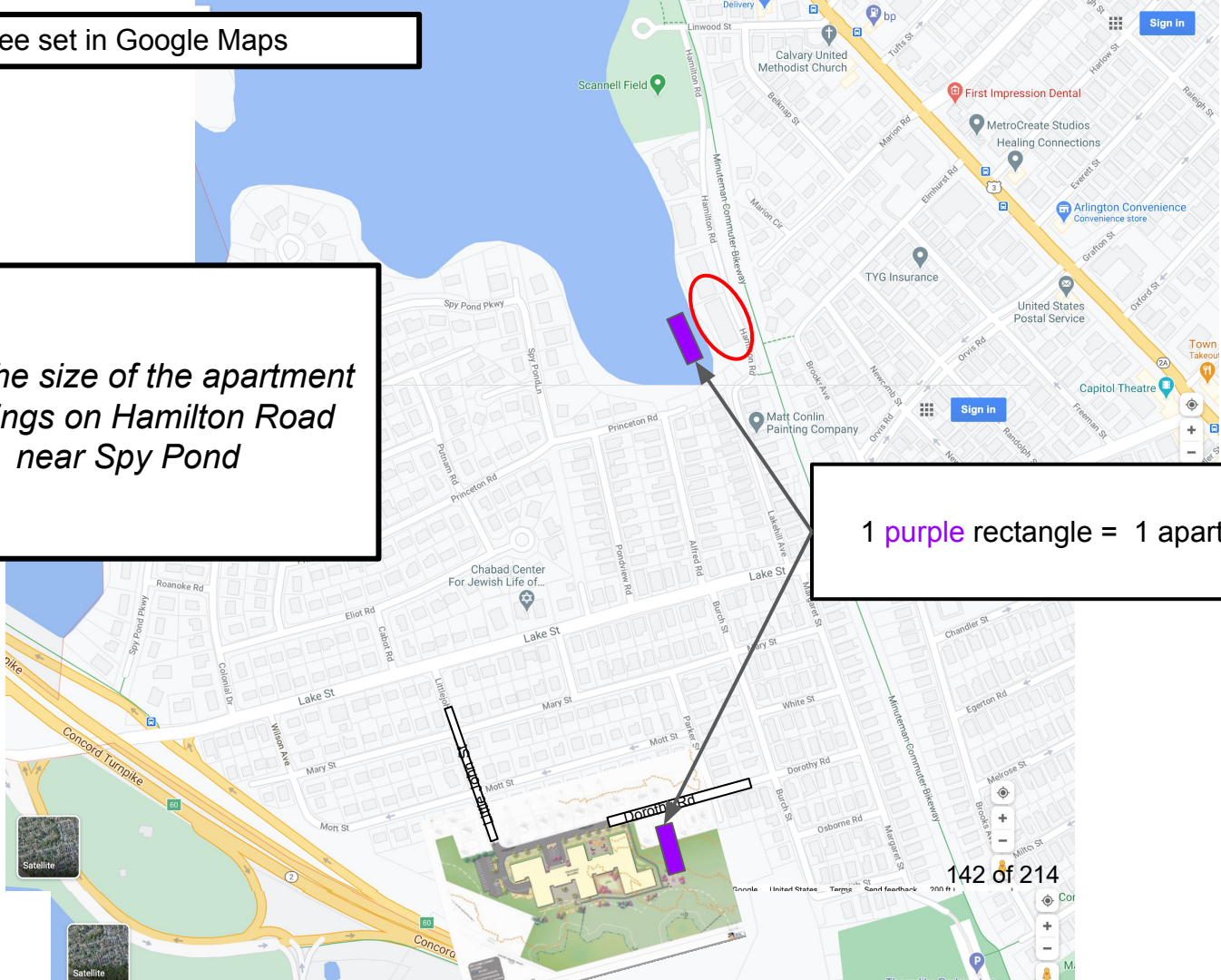
Here is the Image from Oaktree Developers



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1 blue shape  
= 1 Dorothy  
Rd home

1 Oaktree development = 54 homes



1 Oaktree development = 54 homes

151 of 214





1 Oaktree development = 54 homes

# Say NO to the Mugar Development

With further context and understanding, it is clear that this proposed development **is not** in the scope, style, and spirit of our neighborhood.

Thank you for your support,

Erin Freeburger  
20 Parker Street



## Town of Arlington, Massachusetts

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### Thorndike Place - New Documents

#### ATTACHMENTS:

Type	File Name	Description
Reference Material	Letter_to_MassHousing_3.15.2021.pdf	Letter to MassHousing 3.15.2021
Reference Material	ACC_Recommended_Revisions_to_Draft_Decision_Thorndike_Place_03182021.pdf	ACC_Recommended Revisions to Draft Decision_Thorndike Place_03182021.pdf
Reference Material	8451_J._Raitt_031121.pdf	Response to Peer Review Comments
Reference Material	K_Lynema_email_3-15-21.pdf	K Lynema email 3-15-21
Reference Material	Letter_to_MassHousing_3.15.2021_(2).pdf	Letter_to_MassHousing_3.15.2021 (2)

## OFFICE OF THE SELECT BOARD

JOHN HURD, CHAIR  
DIANE M. MAHON, VICE CHAIR  
STEPHEN DECOURCEY  
LENARD DIGGINS  
DANIEL J. DUNN



730 MASSACHUSETTS AVENUE  
TELEPHONE  
781-316-3020  
781-316-3029 FAX

TOWN OF ARLINGTON  
MASSACHUSETTS 02476-4908

March 16, 2021

### **By Electronic and First Class Mail**

Ms. Jessica Malcolm  
Manager of Planning and Programs  
Massachusetts Housing Finance Agency  
One Beacon Street  
Boston, Massachusetts 02108

**Re: Notice of Proposed Revisions to “Thorndike Place,” Arlington, MA  
(MassHousing ID #778/ #779)**

Dear Ms. Malcolm,

The Select Board of the Town of Arlington is in receipt of the March 8, 2021 Notice of Project Revision submitted to you by Arlington Land Realty, LLC (hereinafter “the Applicant”) relative to the Thorndike Place project proposed in Arlington. For the reasons set forth herein, the Board respectfully submits that the revisions to the project are both substantial and incongruous with MassHousing’s December 4, 2015 Site Approval/Project Eligibility determination. As such, this Board requests MassHousing determine that: 1) the changes submitted to you are substantial; and 2) that such changes materially and negatively impact your prior preliminary site approval.<sup>1</sup>

The Board is aware of MassHousing’s stated policy that it will not normally revise or revoke a project eligibility letter in the interim period between the project eligibility and final approval stages. The Board believes such action is necessary here, however, in light of the material revisions the Applicant is now proposing in contradiction of the project eligibility findings.

---

<sup>1</sup> For the purposes of this letter, “site approval” and “project eligibility” are used interchangeably. A copy of your December 4, 2015 Project Eligibility/Site Approval Letter is annexed hereto for your convenience as Attachment “A.”

760 CMR 56.04(5) sets forth the standard for reviewing “substantial changes” to project which has received preliminary site approval and authorizes the Chief Executive Officer of a municipality (in Arlington, this Select Board) to request review before issuance of a decision on a Comprehensive Permit application. As noted in section 56.04 (5), “[o]nly the changes affecting the project eligibility requirements set forth at 760 CMR 56.04(1) shall be at issue in such review.” The three enumerated requirements are:

- (a) The Applicant shall be a public agency, a non-profit organization, or a Limited Dividend Organization;
- (b) The Project shall be fundable by a Subsidizing Agency under a Low or Moderate Income Housing subsidy program; and
- (c) The Applicant shall control the site.

760 CMR 56.04(1)(a)-(c).

With respect to criteria “(b)” it is important to reference the remainder of section 56.04(1), which states, “[c]ompliance with these project eligibility requirements shall be established by issuance of a *written determination of Project Eligibility by the Subsidizing Agency that contains all the findings required under 760 CMR 56.04(4)*, based upon its initial review of the Project and the Applicant’s qualifications in accordance with 760 CMR 56.04.”(emphasis added). Hence, these criteria include an examination of whether or not the Applicant’s proposed revisions are consistent with your previous findings of December 4, 2015 in order for the Project to continue to be “fundable by a Subsidizing Agency;” (i.e. MassHousing). Applied to this project, there are a wide range of proposed revisions that speak to MassHousing’s initial eligibility determination, which are now reviewable for their substantiality. A review of such revisions will show that they are substantial changes that conflict with the project eligibility findings.

In other words, contrary to the Applicant’s assertion in its notice letter, your examination of their proposed revisions should determine whether or not the Project as revised is substantially different from the one which you evaluated and approved as “fundable” under 760 CMR 56.04(4)(a)-(g). If you find the project is substantially different than the one you approved under such terms, you may then determine whether or not those substantial changes require modification of project eligibility or entirely void project eligibility. The Select Board believes the magnitude of the proposed changes warrants the latter determination; or alternatively, at a minimum the Applicant should be advised that the proposed revisions require modifications consistent with the terms of eligibility.

As applied to the Notice of Proposed Revisions, there are two categories of changes in which the revised project is both substantially changed from the Applicant’s original submissions for eligibility purposes, and further are materially inconsistent with MassHousing’s previous findings under 760 CMR 56.04(4):

- Removal of Six (6) “Transitional Zone” Townhouses from the Project; and
- Reduction of Access Points and Abandonment of Transit-Oriented Site Improvements.



The Select Board appreciates that the 40B hearing process invites alterations and improvements based upon feedback from zoning boards, technical experts, and the public. It also respects the Arlington Zoning Board of Appeals' jurisdiction and hard work to evaluate a complex project under the rubric of c. 40B. In this instance however, these alterations stem from the site constraints highlighted to the Applicant and MassHousing at the outset of this project because of its limited access and proximity to wetland resources. Addressing one area of concern by exacerbating others does not render such proposed changes insubstantial or benign.

## **I. Appropriateness of Design & Removal of Townhouse Transitional Zone**

In both the Applicant's submissions for Project Eligibility and MassHousing's approval thereof, the appropriateness of the project was tied heavily to the construction of six (6) duplex style townhouse buildings containing twelve (12) homeownership units<sup>2</sup> to serve as a buffer between the single and two family homes in the surrounding residential neighborhood and a four-story, large-scale apartment building proposed for the back of the site.

As proposed initially, the townhouses were to occupy the street frontage on Dorothy Road, providing a necessary buffer to the proposed apartment building to be located approximately 80 feet behind the townhouses and more than 150 feet from the road. These townhouses have been entirely eliminated from the revised project and replaced along the street frontage with a 172-unit apartment building<sup>3</sup> that is only 25 feet off of Dorothy Road and which stretches along the road for approximately 450 feet. The foregoing proposed revisions are entirely inconsistent with a foundational premise of MassHousing's Approval.

As the Applicant stated to MassHousing to obtain its approval:

The townhouse units were designed as a transitional zone between the duplex and single family homes of the existing residential neighborhood to the north and east of the project and the larger proposed apartment building to the south. *The proposed two-story town homes are of a similar height, scale and spacing as the other homes along Dorothy Road. To reflect the character of the street, the townhouse units feature lap siding, pitched roofs and a welcoming front porches.*

See Application for Site Approval at 3.3. "Narrative Description to Design Approach."<sup>4</sup> (emphasis added).

---

<sup>2</sup> An added benefit of the townhouses was that they would be developed as homeownership units. Their removal in the revised submission is a change in tenure type as well as building type which, per the initial eligibility letter, provides an independent basis for requiring the submission of a new site eligibility application. (See Project Eligibility Letter, at p. 5).

<sup>3</sup> As further evidence of the scope of the proposed structure and its incompatibility with the surrounding neighborhood is, if built, the proposed apartment building would be the single largest apartment structure in the Town of Arlington.

<sup>4</sup> The Applicant also highlighted the Townhouses as evidence of sustainable development through both the lenses of concentration of development and mixed use, and expansion of housing opportunities.

MassHousing was highly responsive to such claims, noting several times in its Site Approval Letter of December 4, 2015, the importance of the townhouses as a buffer to the proposed apartment building. Such references included the following:

“As stated the Project will include 6 duplex style townhouses and 1, four-story apartment building. Buildings have been sited with the goal of minimizing impacts on the surrounding streetscape, *with the townhouses located along Dorothy Road, closest to the Site entrance, and the larger building set back to minimize its observable bulk.*

Adjacent typology is residential development mainly comprised of one and two-family colonial style homes. *The proposed townhouses are sited along Dorothy Road and will complement the existing residential development of this street, as the townhouses are of a similar height, scale, and spacing as the other homes along Dorothy Road...[and] were designed as a transitional zone between the duplex and single-family homes...[and] reflect the character of the street.”*

See, Project Eligibility/Site Approval Letter, at Attachment “1” p. 8-9.

MassHousing further cited the value of the townhouses as essential for a transitional zone in assessing the Project’s relationship to adjacent streets and integration into existing development patterns. *Id.* at p. 9. As stated, the revised proposal both eliminates this “transitional zone” in its entirety and moves the similarly-scaled four-story apartment building *closer* to Dorothy Road; eliminating both the townhouses themselves and the eighty feet of distance between them and the original planned apartment building.

The Applicant contends that these revisions are the product of feedback meant to address concerns of the Zoning Board of Appeals and others. However, to this Board’s understanding, the extent of such feedback was primarily in the form of universally shared concerns that the original proposal was within wetlands resource areas. To maintain adherence to the project eligibility findings, the foregoing building limitations should have resulted in the Applicant re-scaling the proposed apartment building behind the townhouse transition zone. Instead, the Applicant abandoned adherence to the design requirements contained in Section 56.04(4)(c) and proposed the complete removal of the townhouses with an apartment building having no compatibility with its surrounding neighborhood.<sup>5</sup> Although it is the Applicant’s prerogative to address one problem by creating or exacerbating another, such alterations taking place in the context of feedback about wetlands impacts or even the overall scope of the project does not

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<sup>5</sup> The Applicant’s asserted justification in its notice letter for the elimination of the townhouses – the removal of driveways – reveals a complete disregard for the legitimate concerns of those living in the neighborhood in which it wishes to build. Moreover, comparison of the prominent language contained in the Applicant’s project application concerning the importance of the townhouses as a transitional buffer with the bare mention in the notice letter within a footnote of the supposed compatibility of the relocated apartment building with the surrounding neighborhood further highlights the shortcomings of the revised proposal and its conflict with the project eligibility findings.

render it immune from being rightly considered a substantial change or contrary to a foundational element of MassHousing's Site Approval.

Indeed, the facts presented here following the removal of the townhouses are similar to those which led to MassHousing's denial of site approval/project eligibility in the 2017 Project Eligibility Application for "Medfield Meadows" (MH# 873). *See* January 31, 2017 Project Eligibility Letter of MassHousing re "Medfield Meadows," (MH#873) annexed hereto as Exhibit "B." In your denial of project eligibility relative to said application you noted that proposed three and four-story apartment buildings were not consistent with nearby existing building typology – single and two story homes in a residential neighborhood which would be overwhelmed by the "height, mass, and scale" of apartment buildings. Germane to the specific changes submitted to you in this matter, you noted that the Medfield Meadows Project did not "make a reasonable transition to this well established residential neighborhood." *Id.*

In your Site Approval Letter for this project you explicitly noted how important the Townhouses were to the relationship with the neighborhood in the same terms discussed in "Medfield Meadows," finding:

"[t]he proposed townhouse units on Dorothy Road were designed as a transitional zone between the duplex and single family homes of the existing residential neighborhood to the North and East of the project and the larger proposed apartment building to the South." *See*, Project Eligibility/Site Approval Letter, at Attachment "1" p. 9.

While this Board questioned whether the Townhouses were sufficient buffers between a long-standing single and two-family residential neighborhood, it cannot disagree with the palpable difference between a project with townhouses and one without.

As submitted by the Applicant, the townhouse transitional zone presented the following in terms of presentation to the street, massing, height, and scale:



However, the revised proposal, which the Applicant urges you to consider an insubstantial change presents in stark contrast as follows<sup>6</sup>:



On its face, this revised proposal presents the very concerns that formed the basis for your denial of eligibility in a near-identical context. Where once were townhomes featuring spacing, height and mass similar to the existing homes in the neighborhood, there is now a large apartment building directly on the street with nothing to transition or buffer direct-abutters living in single

<sup>6</sup> The Applicant's streetscape rendering, which it included as an attachment to its notice letter, is inaccurate as it fails to show, among other shortcomings, the main entry and the "semi-circular" access drive in the newly proposed apartment building. Moreover, the 3D streetscapes also included in the notice letter package at Attachment "B" significantly overstate the width of Dorothy Road. Such inaccuracies have added significance here given that a primary issue before MassHousing is compatibility with the surrounding neighborhood.

family or two-family homes next to or across the street from the building. Accordingly, we respectfully ask you to deem the removal of these townhouses a substantial change; and further, one material enough that eligibility will require restoration of such townhouses with a re-scaling and re-siting of the apartment building behind the townhouses in a manner that complies with applicable environmental statutes, regulations and bylaws.

## **II. Site Appropriateness: Traffic & Transportation**

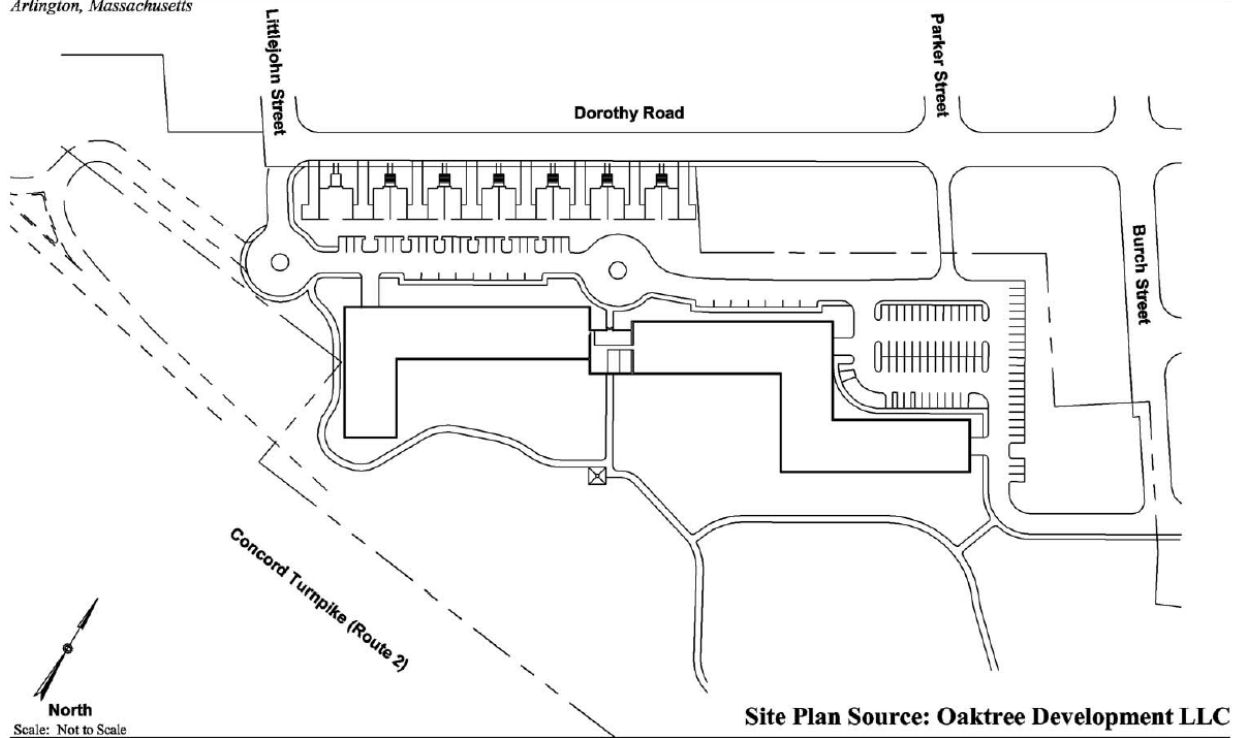
In addition to the foregoing, the project granted preliminary site approval by the revised proposal before you makes no mention of two critical elements to your traffic and transportation assessment and overall evaluation of site appropriateness. First, the site has no access whatsoever to or from Route 2 and no longer features direct access to Parker Street or Burch Street. In its revised form all vehicular access is provided by Little John Street and Dorothy Road, which are essentially the same street for the purposes of this project. Second, the revised project has no walking path improvements to connect the site to a more direct access points to the Alewife T Station or the Minuteman Bikepath. These elements were featured pieces in establishing the appropriateness of a site that still proposes to add parking nearly 200 cars to frequent narrow residential streets. Their abandonment constitutes further substantial and detrimental changes. Four vehicular access points and at least one supplementary pedestrian access point have been reduced to place all vehicular and pedestrian access to a single roadway.

### **A. Reduced Traffic Access Points & No Access from Route 2**

One of MassHousing's principal findings with respect to the general appropriateness of the site for redevelopment was that "[t]he Site is accessible to Route 2, which borders the site." See Eligibility Letter at Attachment "1;" Findings "(b), p. 8. Indeed, both the site plans submitted by the Applicant to MassHousing, and the April 2014 Traffic Impact and Access Study by MDM Transportation Consultants highlighted access to Route 2 a feature for MassHousing given the constraints of the modest neighborhood streets otherwise necessary for ingress and egress. As MDM's report stated:

*"The proposed Site programming consists of developing the Site as a 207-unit residential development consisting of 193± rental apartment units and 14± townhouse/ condominium units. On-Site parking is planned for 171 garage spaces and 138 surface spaces for a total of approximately 309 parking spaces. The townhouse apartment units are proposed to have individual driveways directly onto Dorothy Road. Planned Site access/egress for the apartment units includes three unsignalized driveways including a full-access driveway connection to Dorothy Road, a full-access driveway along Burch Street, and a gated emergency-only driveway connection to Parker Street. An additional access/egress driveway that would be restricted to right-in/right-out movements along the Route 2/Lake Street westbound off-ramp is also evaluated as a potential alternative. The preliminary Site layout plan prepared by Oaktree Development LLC is presented in Figure 2"*

See MDM Traffic Impact and Access Study at E.1 p. 2; and Figure 2. (emphasis added).



*(As can be seen in MDM's "Figure 2," both the Rt. 2 Ramp and Burch Street and Parker Street access were prominent features of the Site Plans submitted for Site Approval to MassHousing)*

This proposal was further referenced in Section E.4 "Access Improvements" of the MDM Study, stating:

The alternative driveway connection to the Route 2 westbound off-ramp to Lake Street is being considered as a more direct access to/from Route 2, thereby reducing dependence on local roadways. The Proponent is in consultation with MassDOT to identify land acquisition requirements that involve re-designation of access lines along the Route 2 property frontage and transfer of property to MassDOT that would mutually benefit both parties.

See MDM Traffic Impact and Access Study at E.1 p. 4

Neither the current revised project plan nor any plan submitted to the Arlington Zoning Board of Appeals within the Applicant's Comprehensive Permit have maintained or even proposed an off-ramp or any other direct access to Route 2. Indeed no alternatives whatsoever have been provided to achieve "reduc[ed] dependence of local roadways" by the Applicant in the Revised Project before you, with or without any of the other changes referenced by the Applicant in their recent Notice.

Additionally, as recited above, MDM's Traffic Impact and Access Study and the Applicant's proposal to you included site access and egress via three driveways – one on Dorothy Road, a second on Burch Street (at the intersection of Edith Road), and a third

emergency-only access point on Parker Street, all but one of which have been eliminated in the revised project.

Local traffic congestion concerns were one of the principal concerns raised by this Board in its August 18, 2015 and October 6, 2015 comments to MassHousing given the limitations of the narrow residential streets abutting the proposed site. This Board trusts that such representations to MassHousing were meaningful factors within your decision to grant project eligibility. As such, we strongly urge you to deem the abandonment of *any* alternative means for traffic to access the proposed site and the elimination of two vehicular access points to constitute a substantial change under 760 CMR 56.04(5) that is inconsistent with the bases of your eligibility determination.

#### B. Removal of Transit-Oriented Walking Path Access

In a similar vein, MassHousing's preliminary site approval was also predicated in part on the ease of access to public transit from the site via "an integrated system of sidewalks and a *path connection* to the nearby Minuteman Bike Path to facilitate bicycle use and accessibility and use of public transportation at the nearby Alewife MBTA station." See MDM Traffic Impact and Access Study at E.3, p. 3; E.5, p. 4; and 3.4, p. 19; and Figure 2. To that end, both the Site Approval Application and the MDM Study included site plans specifically providing a walking bath on the lowland wetland parcels both as an attractive amenity for passive recreation and as a more direct means of connecting the site to the Minuteman Bikepath.<sup>7</sup> See, e.g., Site Approval Application at 3.1, "Preliminary Site Plan," 3.2 "Preliminary Architectural Plans," and Attachment 2.3 "Site /Context Photographs."

As highlighted in the Preliminary Site Plan submitted to you, the Applicant proposed a connected network of walking paths through the wetlands areas to provide further and more direct connections from the site to the Minuteman Bikepath and Alewife.



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<sup>7</sup> Given the size and scale of Site Plans, full copies previously submitted to MassHousing have not been attached. Full copies can be provided to MassHousing for your convenience at your request.





The foregoing picture was included (Attachment 2.3 to their Application) as an example of what could be achieved to connect the project site more directly to both the existing bikepath and Alewife. However, in the revised proposal, there is only a walking path circling the re-sited apartment building.

It may well be that the Applicant has removed this element of its proposal because it was predicated on eager acceptance of the portions of land in question by the Town and subsequent Town improvements to it using mitigation funds provided by the Applicant. However, at this juncture it cannot be denied that a substantial feature of the project for the purpose of accommodating and encouraging use of public transit from the site has been removed. Especially in concert with the previously noted changes to the vehicular access, the Select Board believes the cumulative revisions to access and ingress/egress to and from the site are both substantial and in conflict with the bases for your grant of preliminary site approval/project eligibility. The end sum is a revised project in which all automotive, bicycle, and foot traffic must utilize a single residential street for access to 172 units rather than the highway, multi-street, and walking path connections originally proposed for eligibility purposes.

### Conclusion

As set forth in 76 CMR 56.04, this body has the responsibility and authority to comment upon a Notice of Revision where in its judgment changes to the project preliminary afforded site approval by you are substantial. The dramatic alteration of several of the core elements of this project – elements that assured your approval was appropriate – are both substantial and incongruous with your findings for eligibility purposes. As such, the Arlington Select Board urges MassHousing to first find that the revision proposal includes substantial changes, and second that absent remediation, those changes disqualify the project from the eligibility you previously granted.



Please contact us should you have any questions or if you would like any additional support for our comments above.

Respectfully submitted,  
On behalf of the Arlington Select  
Board as its Chair,

A handwritten signature in black ink, appearing to read "John V. Hurd". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

John V. Hurd

cc: Stephanie Kiefer, Esq., *Counsel for the Applicant*

Arlington Zoning Board of Appeals

Sen. Cindy Friedman

Rep. Sean Garballey

Rep. David M. Rogers

## **ATTACHMENT “A”**

March 8, 2021

Via Email

Jessica Malcolm, Manager of Planning and Programs  
Massachusetts Housing Finance Agency  
One Beacon Street  
Boston, Massachusetts 02108

Re: Thorndike Place, Arlington (MassHousing ID #778/#779 )  
Notice of Project Revision Under 760 CMR 56.04(5)

Dear Jessica:

On behalf of the Applicant, Arlington Land Realty LLC, and in accordance with 760 CMR 56.04(5), we are notifying MassHousing, as the Subsidizing Agency, of the desire of the Applicant to change certain aspects of its respective project known as Thorndike Place. As more fully described herein, the revisions come about in light of feedback from the Zoning Board and others within the public hearings on the Applicant's Comprehensive Permit Application.

Original Proposal and Permitting Process Background:

The Applicant was granted a Project Eligibility Letter ("PEL") from MassHousing for Thorndike Place on December 4, 2015. At that time, the Thorndike Place project proposal included a total of 219 dwelling units, twelve (12) of which were townhouse homeownership units together with 207 units of rental housing situated on a triangular parcel consisting of 17.8+/- acres of land (5.6 +/- buildable acres), located on Dorothy Road, in Arlington, Massachusetts. The described project included six (6) duplex-style townhouses (2.5 stories/32 feet) and one (1) multifamily apartment building (4 stories/53 feet). The project's unit mix included 104 one-bedroom units, 92 two-bedroom units and 23 three-bedroom units.

The project locus is within the Planned Unit Development ("PUD") zoning district under the Arlington Zoning Bylaw, for which duplex homes are allowed as of right and multifamily housing is conditionally allowed. In the PUD district, the maximum building height is 85 feet and residential housing is limited to five (5) floors. As described in the Project Eligibility application, the developed portion of the site would be along Dorothy Road and would extend along the length of Dorothy Road, including surface parking and the easternmost third of the four-story apartment building located behind six lots on Dorothy Road. Off-street parking for the apartment building was proposed both via surface parking (102 spaces) and parking under the apartment building (178 spaces). As an amenity, not just to the Thorndike Place community but to the Town itself, the Applicant proposed to set aside approximately 10+ acres of the site as open space.

The original project design included eight driveway entrances off Dorothy Road, seven of which were associated with the townhouse duplexes and a main access drive near the intersection of Littlejohn Street and Dorothy Road, leading to the surface and garage parking associated with the multifamily building. In addition, the original Project included a secondary access drive at the intersection of Burch Street and Edith Street at the eastern boundary of the site.

Mass Housing's PEL was issued on December 4, 2015. On September 1, 2016, the Applicant filed a Comprehensive Permit application with the Arlington Zoning Board of Appeals ("ZBA"). On September 27, 2016, the ZBA opened the public hearing on the Application and by letter dated October 6, 2016, the ZBA notified the Applicant that the ZBA sought protection under the General

Land Area Minimum Safe Harbor, asserting its belief that the Town had 1.5% or more of its General Land Area dedicated to Subsidized Housing Inventory (“SHI”) eligible housing. The Applicant submitted a challenge to the DHCD pursuant to 760 CMR 56.03(8), noting that the Town had double discounted land area associated by water bodies, thereby inaccurately calculating the general land area in performing its calculations. On November 21, 2016, DHCD issued its written determination finding that the ZBA had not achieved safe harbor status. In December 2016, the ZBA filed an interlocutory appeal with the Housing Appeals Committee (“HAC”). The HAC decision was issued on October 15, 2019,<sup>1</sup> again determining that the Town did not establish qualifying for the safe harbor.

#### Project Revisions

Subsequent to the HAC’s Decision on the interlocutory appeal, the Application was remanded to the ZBA in late fall 2019. Due to Covid19, the ZBA did not conduct public hearings for a number of months and it was not until late September 2020 that public hearings, via Zoom, were reestablished on the application. With input from the ZBA as to the size, scale and location of buildings near or within resource areas, the Applicant presented revised plans to the ZBA in November 2020. The revised plans, reduced the density by removing the standalone duplex buildings and shifting the multifamily building to the north, away from resource areas as defined in the Massachusetts Wetlands Protection Act and the Arlington Wetlands Bylaw.

Since that time, the Applicant and the ZBA have conducted continued public hearings in November, December, January and February together with multiple work sessions with the Applicant’s professional team, the ZBA’s peer review professionals, the Conservation Commission, the Transportation Advisory Committee (“TAC”) and Town staff. As a result of the feedback provided to the Applicant by the ZBA, the Town Planner, Town Engineer, the Conservation Commission and its agent, the ZBA’s Peer Review professionals from BETA Group as well as the public, the current proposal is as follows:

- One multifamily building, which consists of 172 dwelling units, consisting of 88 one-bedroom units, 55 two-bedroom units, 18 three-bedroom units and 11 studios.
- The six 2.5 story duplex-style townhouses, and the associated seven access drives to enter the private garages off Dorothy Road, are no longer included in the project.<sup>2</sup>

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<sup>1</sup> In large part, the length of time (nearly three years) for a decision in the HAC interlocutory appeal was attributable to the ZBA’s request to stay the appeal and subsequent pursuit of a separate civil lawsuit brought by the ZBA against the DHCD, Department of Mental Health and Department of Developmental Services, seeking confidential address information as to special needs housing. Ultimately, the ZBA never sought to use this information within the underlying HAC appeal.

<sup>2</sup> In other projects, MassHousing has concluded that a change in tenure does not justify revisiting a PEL. For instance, with respect to the Abbyville Commons 40B proposal in Norfolk, subsequent to obtaining site approval for a 48-unit rental project, the Developer notified MassHousing that due to input from the community, the proposal was changed from a rental project located in two buildings to 88 duplex-style condominiums. In response to the Section 56.04(5) notice, MassHousing affirmed that no new project eligibility letter was required, stating, “[i]t is MassHousing’s interpretation of the Comprehensive Permit Regulations that Subsidizing Agencies should normally not update Project Eligibility Letters as a project develops but should rather, consider whether the initial proposal is eligible for a subsidy project at the project eligibility stage and then consider with the final approval is eligible directly before the construction at the Final Approval state. Any other approach could interfere with a Chapter 40B’s goal of expedited permitting. It is for this reason that a Project Eligibility Letter issued pursuant to the comprehensive permit regulations shall, pursuant to 760 CMR 56.04(6) be conclusive evidence that the project and the applicant have satisfied the project eligibility requirements.” A copy of the MassHousing letter is attached as Attachment C (Emphasis added).

- The developed portion of the site is largely confined to an approximately 5.15-acre limit of work, with the balance of the site to remain as open space/conservation land. This is largely consistent with the original proposal, but it is noted that by condensing the overall length of the apartment building and adjusting its location further to the north on the site, the building and all infrastructure are outside of vegetated wetland areas to the east and south, with only limited impacts to the wetland buffer for a small portion of the subsurface garage under the southwest courtyard, grading, stormwater management systems and a portion of the permeable emergency access road around the back of the building.
- Garage parking under the multifamily building for 179 vehicles plus 176 secured bicycle parking spaces. (The original proposal as set out in the Project Eligibility application included garaged parking for 178 vehicles in the multifamily building garage).
- The building adheres to the PUD zoning district use and dimensional regulations; in particular multifamily use is allowed by special permit in the PUD district, the project is far below the maximum height in the PUD district (which maximum height is set at 85 feet/5 floors for residential uses), the project meets or exceeds the setbacks of the PUD district and it is below the allowable FAR for the site (.80 FAR).

Attached hereto, please find the updated site drawings prepared by BSC Group, revised November 3, 2020 and January 21, 2021 (Attachments A.1 and A.2) and updated architectural elevations and perspective drawings by Oaktree/Bruce Hamilton Architects, as presented to the ZBA at the February 16, 2021 hearing (Attachment B).

The present building design retains the four-story apartment building, but has revised its layout such that there is a central building spine set back approximately 90+ feet from Dorothy Road. Extending northerly (toward Dorothy Road) are three separate wings, or building tabs, the width of each approximate the width of the townhomes on the opposite side of Dorothy Road. These front portions of the building will be two stories tall (approximately 25 feet in height) and set back 25 feet from Dorothy Road.<sup>3</sup> In between the building's northerly wings are two large courtyards, one which provides access to the building entry and allows temporary parking/drop offs and the other to be landscaped open space. The courtyards further create a less crowded/more open feel along Dorothy Road. The building graduates to three floors and thereafter to four floors along the central building spine and the building wings to the south of the site, substantially removed from Dorothy Road and any abutting property.

As opposed to the eight driveway curb cuts proposed on Dorothy Road under the original proposal, the revised design streamlines the access off Dorothy Road to one main driveway which provides access to the surface parking lot to the west and to the garaged parking under the building.

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<sup>3</sup> It is noted that the height of the currently revised building wings (25 feet) closest to Dorothy Road are actually lower than the height of the previously proposed townhouses, which were 2.5 stories/32 feet in height. By the use of low, two-story front wings of the building set back 25 feet off Dorothy Road, the architecture of the building is consistent with the setbacks, width and heights of the surrounding townhomes on the opposite side of Dorothy Road and to the east of the site. The revised design has incorporated the municipal input with respect to massing, scale, topography and environmental resources.

For short-term or drop-off/deliveries, there is a second semi-circular access drive located closer to the center of the building at the location of the building's lobby entrance.

Further, in response to requests by the ZBA and the TAC for a reduction in parking, the revised design incorporates a reduced number of parking spaces and corresponding commitments to a number of transportation demand management (TDM) measures, further enhancing the transit-oriented nature of the Project. Representative TDM measures include: a 23-dock Bluebikes station, a transit-screen display in the building entrance lobby, first month MBTA passes to new residents, a designated transportation coordinator as part of building management staff; secured parking for up to 176 bicycles and a bicycle repair area within the garage; and transportation information packages to be provided to all residents.

The revised design not only reduces impervious access drives and parking areas, but also avoids direct impact to wetland areas and limits permanent project improvements to the outer edges of the 100-foot buffer. Further, the revised proposal significantly limits the amount of work within the floodplain as compared to the original application. Impacts to floodplain are limited to two shallow fingers of the floodplain with the revised plans providing for the creation of compensatory storage at a ratio of 2:1, as consistent with the Arlington Wetlands Regulations.

The ZBA has expressed interest in having MassHousing's clarification concerning the process through which these project changes may be handled. In accordance with 760 CMR 56.04(5), the Applicant provides written notification to the Subsidizing Agency of these project changes. As stated in Section 56.04(5), only changes affecting project eligibility requirements as set forth in Section 56.04(1) are to be assessed.<sup>4</sup> These described changes do not impact the Applicant's qualification as a limited dividend entity under Section 56.04(1)(a). Similarly, as the proposed changes address density, scale and environmental concerns that had been raised within the public review process, the changes are specifically responsive to otherwise enhance the project and its consistency with the existing environmental resources and topography and do not adversely impact the project or its fundability in accordance with Section 56.04(1)(b). Lastly, there has been no change to site control as Applicant continues to own the site. *See* Section 56.04(1)(c).

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<sup>4</sup> The limits of MassHousing's review under 760 CMR 56.04(5) is similarly described in prior requests submitted to the agency directly on behalf of a Zoning Board. For instance, with respect to the Goodridge Brook Estate's 40B proposal in Lancaster (PEL-963) in which the ownership portion of the proposed development (120 apartments/40 duplexes) was revised by developer (from 40 duplexes to 62 four-bedroom homes), the Lancaster ZBA Chair requested MassHousing to review the changes. By letter dated October 29, 2018, MassHousing reaffirmed the conclusiveness of its prior project eligibility determination in writing to the Lancaster ZBA Chair, stating "[s]ince the changes outlined in your letter have been proposed prior to issuance or denial of a Comprehensive Permit, 760 CMR 56.04(5) narrowly limits the Subsidizing Agency's review to changes which affect the project eligibility requirements set forth in Section 56.04(1)." *See* Attachment D (Emphasis supplied).

**SMOLAK & VAUGHAN LLP**

Jessica Malcolm, Manager  
Comprehensive Permit Programs

We thank you for your review of this matter and request that MassHousing reaffirm its prior PEL. Please feel free to contact me should you have any additional questions. Thank you.

Sincerely,

*/s/ Stephanie A. Kiefer*

Stephanie A. Kiefer

sak/

Encl.

cc: Peter Mugar, Arlington Land Realty LLC  
Gwen Noyes/Arthur Klipfel, Oaktree Development  
Robert Engler, SEB Housing Consultants  
Christian Klein, Chairman, Arlington Zoning Board of Appeals (via email)  
John V. Hurd, Chairman, Arlington Board of Selectmen (via first class mail)  
Jennifer Maddox, Undersecretary for Housing and Community Development (via first class mail)

## **ATTACHMENT “B”**





Massachusetts Housing Finance Agency  
One Beacon Street, Boston, MA 02108

TEL: 617.854.1000 | FAX: 617.854.1091  
VP: 866.758.1435 | [www.masshousing.com](http://www.masshousing.com)

January 31, 2017

**VIA CERTIFIED MAIL**

Medfield Meadows LLC  
18 Forest Street  
Dover, MA 02052  
Attention: John Kelly, Principal

RE: Medfield Meadows  
Medfield, MA (MH# 873)  
Project Eligibility (Site Approval) Application

Dear Mr. Kelly:

This letter is in response to your application for a determination of Project Eligibility ("Site Approval") pursuant to Massachusetts General Laws Chapter 40B ("Chapter 40B"), 760 CMR 56.00 and the Comprehensive Permit Guidelines issued by the Department of Housing and Community Development ("DHCD") (the "Guidelines" and, collectively, the "Comprehensive Permit Rules"), under the following program (the "Program"):

- New England Fund ("NEF") Program of the Federal Home Loan Bank of Boston.

The original application proposed to build two hundred (200) units of rental housing in two (2) buildings on individual parcels separated by North Meadow Road (Route 27) (the "Project") at 39-41 Dale Street and 49 Dale Street (the "Site") in Medfield, Massachusetts (the "Municipality"). Subsequent to an initial review of the Site and the proposed plans and comments from the Municipality regarding the site plan, MassHousing requested that the applicant reconsider the Project and its compatibility with adjacent uses and compliance with 760 CMR 56.04(4)(c), the applicable regulations that govern the design elements of a 40B proposal.

On January 5, 2017 the Applicant submitted a revised proposal to MassHousing that purported to respond to concerns regarding the original site plan, reduced the proposed height of the buildings and the number of units from two hundred (200) to one hundred eighty two (182) rental apartments units in three separate three and four-story buildings on a total of 6.24 acres of land, which only reduced the density from 32 units per acre to 29.17 units per acre on the Site.

MassHousing staff has performed an on-site inspection of the Site, which local boards and officials were invited to attend, then revised the Site in connection with the revised application, and has reviewed the pertinent information from both the original and the revised applications for the Project submitted by the Applicant, and comments submitted by the Municipality and others in accordance with the Comprehensive Permit Rules.

As a result of MassHousing's evaluation of the information that was presented, and the Agency's evaluation of the Site, MassHousing is unable to approve your application for a determination of Project Eligibility. While it is expected that a Project proposal submitted in accordance with the zoning and regulatory relief available under Chapter 40B will differ from the surrounding context in many fundamental ways, the Subsidizing Agency must also address matters regarding the Project's relationship to existing development patterns in the surrounding area. This Site appears to be generally appropriate for residential development and while municipal actions to date have not yet resulted in the production of housing required, "to meet the municipality's need for affordable housing as measured by the Statutory Minima"; nevertheless MassHousing has determined that the conceptual project design for the proposed development is not appropriate for this Site.

The reasons for MassHousing's denial of your applications are as follows:

MassHousing considers the design of the building and the proposed site layout to be inconsistent with the design requirements outlined in 760 CMR 56.04(4)(c) and the related Guidelines dated May, 2013. Specifically:

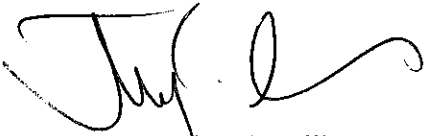
- The proposed apartment structure is inconsistent with nearby existing residential building typology. This is particularly true for the rear portion of the north parcel and the proposed building's relationship to the existing neighborhoods closest to the Site along Joseph Pace Road, John Crowder Road and Dale Street. The applicant's revised site plans do not adequately mitigate the impact of the proposed building's connection to the existing neighborhood from the initial proposal; the Project still fails to make a reasonable transition to this well established residential neighborhood.
- The proposed three to four-story apartment structures are not compatible with nearby structures in terms of height, mass and scale. Building elevations indicate that the proposed buildings (the three proposed buildings range in height from 60' to 77.5' tall depending on the topography of the Site) are at least triple the height of most surrounding 1-2 story structures. The building massing in the original submission was entirely inappropriate for both the Site and its relationship to the adjacent residential neighborhood. While the revised site plan, particularly that of the north parcel, has addressed some of the most glaring impacts to its closest abutters, the overall perception of the massing has not been adequately reduced to make the findings required under the regulations. The proposed massing on the south parcel is not significantly improved by the revised site plans and the presence of wetlands on that portion of the overall development Site is a constraint to a more logical relationship to the Grove Street neighborhood.

- Appropriate density of residential development depends on a number of different factors, and must be reviewed on a case by case basis. In this case, however, it appears that the Project is simply too dense for the lot on which it is located; nearly the entire Site is occupied by the proposed building program and the limited areas for open space are not sufficient to mitigate the project's effective density. While there are no maximum density thresholds, it is advisable to develop at a density that takes some cues from the existing community context. The nearest rental development is the Parc at Medfield which has a considerably lower density of approximately 10 units/acre as compared to the almost 30 units/acre proposed for this Project.
- The site plan does not provide a satisfactory design treatment of the edge between the Site and the surrounding streetscape and does little to enhance the visual quality of the streetscape. The northern and southern building facades face Route 27, which is the principal access to downtown Medfield, and create a poor visual relationship to this adjacent roadway.

In MassHousing's review of any application for Site Approval under Chapter 40B, the Agency does not consider any one factor in isolation. Rather, the site as a whole is considered as well as whether the development proposal is consistent with applicable Regulations and Guidelines. After a thorough review of your application, MassHousing does not find that your proposal is able to meet all of the required findings. Therefore, your application is denied.

If you have any questions concerning this matter, please contact Greg Watson, Manager of Comprehensive Permit Programs, at 617-854-1880.

Sincerely,



Timothy C. Sullivan  
Executive Director

cc: Chrystal Kornegay, Undersecretary, Department of Housing and Community Development  
The Honorable James Timilty  
The Honorable Denise C. Garlick  
The Honorable Shawn Dooley ✓  
Mark L. Fisher, Chairman, Medfield Board of Selectmen  
Michael J. Sullivan, Medfield Town Administrator  
Sarah Raposa, Medfield Town Planner



TOWN OF ARLINGTON

MASSACHUSETTS

## CONSERVATION COMMISSION

March 18, 2021

Zoning Board of Appeals  
Town of Arlington  
730 Massachusetts Avenue  
Arlington, MA 02474

**RE: Thorndike Place – Application for Comprehensive Permit  
Recommended Revisions to Draft Decision**

Dear Chairman Klein and Members of the Board:

Enclosed please find recommended revisions to the Draft Decision conditions, dated March 10, 2021, regarding wetlands and stormwater management for the Thorndike Place Comprehensive Permit. The Commission recommends revisions to four draft conditions: I.21, I.28, I.33, and I.34.

Very truly yours,

*Susan*

Susan Chapnick, Chair  
Arlington Conservation Commission

I.21. The Applicant shall use the NOAA Atlas 14+ data to recalculate the stormwater calculations and make appropriate changes to the proposed stormwater system design, including but may not be limited to, the redesign of Infiltration Basin 1 and Infiltration Basin 3, to accommodate the increased flows using the NOAA 14+ precipitation data. Additionally, the stormwater system shall adhere to all other performance standards outlined in the Massachusetts Stormwater Handbook.

I.28. The Applicant shall provide compensatory flood storage for any activity within the floodplain for all flood storage volume that will be lost at each elevation. Compensatory flood storage shall be at a 2:1 ratio, minimum, for each unit volume of flood storage lost at each

elevation. Compensatory flood storage shall mean a volume not previously used for flood storage, shall have an unrestricted hydraulic connection to the existing resource areas.

I.33. No work shall be allowed within twenty-five feet (25') of or in any resource area except as shown on approved plans.

I.34. No disturbance shall be allowed within fifty feet (50') of or in any resource area except as shown on approved plans.

Ref: 8451

March 11, 2021

Ms. Jennifer Raitt  
Director of Planning and Community Development  
Town of Arlington  
730 Massachusetts Avenue Annex  
Arlington, MA 02476

Re: Responses to Peer Review Comments  
Thorndike Place Traffic Impact Assessment  
Proposed 176-Unit Residential Development  
Arlington, Massachusetts

Dear Ms. Raitt:

Vanasse & Associates, Inc. (VAI) is pleased to submit responses to the February 1, 2021 and February 16, 2021 letters from BETA GROUP, Inc. (BETA) the Town of Arlington's Peer Review consultant. The February 1, 2021 letter is BETA's responses to VAI's January 15, 2021 Responses to Peer Review Comments letter. The February 16, 2021 letter included a review of the Vox on Two 2019 TDM Annual Report Summary. For ease of review, we have listed the initial comments followed by our initial responses in italics. Any follow up comments by BETA are presented in bold italics. The first part of this letter address comments in the February 1, 2021 letter and the second part of the letter address comments from the February 16, 2021 letter. It should be noted that only comments that required a response are listed in this letter.

## **BETA Peer Review Letter – February 1, 2021**

### **SITE ACCESS, CIRCULATION, AND PARKING**

**Comment No. 6:** *BETA: "The Site Plan should define pedestrian connections to the Minuteman Commuter Bikeway. If an on-site connection is not provided, clarify the shortest route to/from the bikeway."*

*BSC: "No on-site pedestrian connection is currently proposed to the Minuteman Commuter Bikeway. The most direct route to the Minutemen is approximately 1/3 mile by taking Dorothy Road to Margaret Street south. For people who want to travel to the north, it is a similar distance taking Dorothy Road to Margaret Street north to Lake Street east."*

***BETA: "Recommend improving pedestrian crossing conditions, including ramps, warning panels, and crosswalks along the expected primary pedestrian route from the site to the Commuter Bikeway."***

**Response:** The pedestrian sidewalks along Dorothy Road, Burch Street, Edith Street, and Margaret Street provide sufficient facilities for pedestrians. Most of the intersections currently have tactile warning panels and accessible ramps. In general,

marked crosswalks are not always installed at intersections unless there are expectations of high numbers of vehicle-pedestrian conflicts. Given the project mode splits and the expected walking (Walk plus Transit) person trips of between 34 and 42 pedestrians during the peak hours, in areas where there is little vehicle conflict, crosswalks are not expected to be necessary. It should be noted that of the 17 internal intersection of the streets in the Thorndike Place neighborhood, or across Lake Street in the Cheswick Road and Bay State Road neighborhood, there is not a single crosswalk installed at any location. Intersections with Lake Street all have crosswalks as there are higher traffic volumes and a higher potential for conflicts between vehicles and pedestrians.

## **TRAFFIC VOLUMES**

**Comment No. 12:** *BETA: "Backup traffic volume information is not presented in the appendix for highlighted intersections. Backup data should justify the peak hour factor and heavy vehicle percentages utilized in the traffic analysis."*

*VAI: "The backup traffic-volume information for Lake Street at Brooks Avenue is provided in the Appendix of this letter. The backup traffic-volume information for the intersections of Lake Street with Littlejohn Street and Massachusetts Avenue with Lake Street was obtained from the initial traffic study prepared for Thorndike Place, and raw traffic count data was not available. The peak-hour factor (PHF) at the intersection of Lake Street with Littlejohn Street were assumed to be the same as Lake Street at Homestead Road. No trucks were assumed to access Littlejohn Street and the truck percentages for Lake Street were carried over from Lake Street at Homestead Road. For the intersection of Massachusetts Avenue at Lake Street, the Massachusetts Avenue PHFs were unknown and assumed to be 0.92 (consistent with MassDOT guidance for urban conditions) while the PHF on Massachusetts Avenue was carried over from the intersection of Lake Street with Brooks Avenue. The truck percentages for the Massachusetts Avenue through movements were assumed to be 2 percent. The Massachusetts Avenue turning movement truck percentages were carried back from Lake Street at Brooks Avenue and split proportionally based on the turning volumes. Similarly, the Lake Street turning movement truck percentages were carried over from Lake Street at Brooks Avenue and split proportionally based on the turning volumes."*

*BETA: "Backup information was provided for Lake Street at Brooks Avenue. Some discrepancies in Peak Hour Factor were found in the backup traffic analysis worksheets. The additional methodology described regarding Peak Hour Factors and Heavy Vehicle Percentages is reasonable given a lack of existing backup. It is noted that the Traffic Analysis Worksheets use a minimum Peak Hour Factor of 0.75, despite some approaches seeing lower PHF."*

**Response:** Noted. The weekday morning eastbound Peak Hour Factor from the count was 0.88 but 0.91 was used in the analysis. This error does not significantly change the findings of the study.

## **PEDESTRIAN AND BICYCLE FACILITIES**

**Comment No. 14:** *BETA: “Recommend the Applicant summarize the condition of nearby pedestrian and bicycle facilities and specify if improvements are required to safely accommodate added non-motorized traffic to/from the Site.”*

*VAI: “Pedestrian and bicycle facilities were reviewed along Dorothy Road, Littlejohn Street, Burch Street, and Margaret Street. In general, sidewalks are in fair to good condition. Wheelchair ramps are present at intersections along each roadway. Dorothy Road, Burch Street, and Littlejohn Street have tactile warning panels present on wheelchair ramps. Some of the panels are filled with dirt and some have been worn down. Margaret Street has no tactile warning panels present on wheelchair ramps at intersections. There are no painted crosswalks present at any of the intersections on these streets besides at Lake Street.”*

**BETA: “Summary provided. Recommend improving pedestrian crossing conditions, including ramps, warning panels, and crosswalks along the expected primary pedestrian route to the Commuter Bikeway.”**

**Response:** See response to Comment No. 6.

## **PROJECT GENERATED TRAFFIC**

**Comment No. 23:** *BETA: “Modal split includes a 35% transit split in addition to bicycling and walking. Given the proximity to Alewife Station (0.8 miles), it is assumed that all transit trips will initially be Walk/Bike trips. Provide additional justification for walk/bike trips outside of transit trips.”*

*VAI: “The Vox on Two mode split survey indicates 19 percent of commuters bike or walk to work. The US Census data for Census Tract 3561, the tract in which the Project site is located, indicates 6.1 percent of commuters bike and 0 percent walk. However, the Vox on Two survey also indicates 1 percent “other” trips while the census data indicates 7.8 percent “other” trips. The bicycle volumes are similar from both sources. Therefore, the estimated pedestrian volumes may be higher using the Vox on Two survey than that of the Census data; however, 8 percent of the 14 percent walking trips would be converted to other trips using the census data, leaving a 6 percent increase in the auto mode share. A 6 percent increase in auto mode share would increase the anticipated site volumes by 56 daily trips, 4 weekday morning peak-hour trips and 5 weekday evening peak-hour trips. The estimated bicycle volumes would be the same using either set of data and the pedestrian volumes are high using the Vox on Two data. However, the estimated vehicle volumes do not change significantly if the pedestrian mode share is reduced to 0 in the analysis.”*

**BETA: “The Census data reveals a total of 54.5% of trips using single or high occupancy vehicles, an increase of 9.5% over Vox on 2 survey data. It can also be reasonably assumed that a percentage of the “other” trips include vehicle trips. At a conservative estimate of 10% increase in vehicle trips, this results in approximately 93 more weekday daily vehicle trips, 6 weekday morning peak**



***hour trips (2 entering, 4 exiting), and 9 weekday evening peak hour trips (5 entering, 4 exiting) when compared to the Vox on Two split percentages.”***

**Response:**

The census data does indicate 54.5 percent auto use. Our process for reducing the walking percentage was to increase the bicycle and other modes to the same as indicated in the census data. The census data indicated 7.8 percent other trips so 6.8 percent of the Vox on Two walking percentage was applied to other trips. Next census data indicates that the bicycle mode split is 6.1 so the Vox on Two bicycle mode split was increase by 1.1 percent. Removing 6.8 percent and 1.1 percent from the walking trips left 6.1 percent walking trips. As the transit mode split was question in the Vox on Two data no adjustments to this mode were made. The remaining 6.1 percent walking trips in the census data were then assigned to the Vox on Two auto mode share to get 51.1 percent auto mode share. This leads to an increase in the anticipated site volumes by 56 daily trips, 4 weekday morning peak-hour trips and 5 weekday evening peak-hour trips. If the transit mode split was also adjusted to match the census data, then the vehicle trip increases stated by BETA would be accurate but as the transit mode split percentage was not questioned no adjustment to that mode was made.

**Comment No. 25:**

***BETA: “Clarify and provide detail for the connection between the Site and the Minuteman Bikeway, including interface with Thorndike Field and its parking area.”***

***VAI: “Currently, there is no plan to connect the Site directly to the Minuteman Commuter Bikeway. Residents will likely follow Dorothy Road east to Margaret Street then follow Margaret Street south to the bikeway.”***

***BETA: “Discussion provided. As this will be the only reasonable pedestrian/bike connection, recommend upgrading the pedestrian infrastructure as required to provide a safe and accessible route.”***

**Response:**

See response to Comment No. 6. There is a possibility that the Applicant will provide approximately 12 acres of the site to the Town of Arlington as a conservation parcel and the Town may choose to provide a multi-use path between the site and the Bikeway, but the Applicant is not currently proposing to create this path.

**OPERATIONS ANALYSIS**

**Comment No. 39:**

***BETA: “Lake Street through volumes at the Minuteman Bikeway presented in the 2027 No-Build evening analysis were found to be lower than those presented on Figure 6 of the TIA. Update accordingly.”***

***VAI: “Table 12R above shows the revised level-of-service results of the analysis. The through volumes at the Minuteman Commuter Bikeway presented in the 2027 No-Build evening analysis have been updated to match the volumes on Figure 6R.”***

***BETA: “Issue resolved. Note that westbound queueing in the morning peak hour is metered by the upstream signal at Brooks Avenue. Queueing extends through the two intersections. A typo was found inaccurately representing queueing conditions in the 2027 Build Evening peak hour.”***

**Response:** Noted. The westbound queue on Lake Street at the Minuteman Bikeway was not properly updated in Table 12R. The queues presented in the table were 31 feet for the average queue and 45 for the 95<sup>th</sup> percentile queue. The table should have stated the average queue as 230 feet and the 95<sup>th</sup> percentile queue as 460 feet. It should be noted that Synchro shows that the 95<sup>th</sup> percentile queue is less than the average queue which is not logical. Therefore, the 95<sup>th</sup> percentile queue presented is the average queue doubled.

## **CONSTRUCTION IMPACTS**

**Comment No. 41:** *BETA: “Quantify and analyze the effect of construction on the Dorothy Road neighborhood. It is expected that the earthwork required for the site will result in a significant number of trips for large dump trucks, in addition to other construction vehicles related to the grading and construction of the Site building. Verify turning path of large construction vehicles at affected intersections within the neighborhood and to/from Lake Street.”*

*BSC: “Prior to construction, a Construction Traffic Management Plan will be prepared by the General Contractor and submitted to appropriate town staff prior to issuance of building permits. It is anticipated that coordination of the construction vehicle access route and construction hours will be undertaken with input from Public Works, Building and the Police Department prior to commencement of site preparation work. It is likely that construction vehicles will access the site from Route 2 and Lake Street via Littlejohn Street and will exit back to Route 2 via Burch Street or Margaret Street to Lake Street. Temporary parking restrictions during construction hours may be necessary on the construction vehicle route.”*

*BETA: “While it is expected that a Traffic Management Plan will be required, the response does not quantify the number of construction vehicle trips and as such fails to assess the expected impact of site construction on the Dorothy Road neighborhood.*

*The January 26th Zoning Board of Appeals meeting included discussion regarding the modular construction of the building. While this will reduce construction duration over traditional construction, it also requires transport of modular units to the site via Lake Street and neighborhood streets, likely Littlejohn Street. The applicant noted that the modular units are 63 feet long. This will likely require a cab and trailer and a wide turning movement from Lake Street to Littlejohn Street. The applicant should provide the following for the Board’s consideration:*

*1. Swept path analysis for the vehicle expected to transport modular units to the site. Swept paths should include turning from Lake Street to Littlejohn Street or other neighborhood streets, turnaround/backing path as required, and exit back to Lake Street.*

*2. Identify any parking or other access restrictions required along Lake Street or neighborhood streets to accommodate turning and vehicle access to the site.*

***3. Identify the number of modular units expected to be transported to the site. In the January 26th meeting this was estimated to be greater than 250.***

***4. Identify the schedule for transport, including expectation of number of modules to be transported per day and number of days that will be required. This may also include duration and frequency – for example, will it be completed in a shorter duration of continuous days, or along a shorter period of days repeated in specific intervals.***

***5. Identify storage area on site for modules. It is assumed that a crane will be necessary to remove modules from trailers and to move modules into place from the designated storage areas. Identify crane location and its intended operating area. Verify that crane path will not include aerial trespass over abutting properties.***

**Response:**

VAI has worked with BSC to provide preliminary estimates of truck traffic associated with the removal of soils associated with excavation for the garage and two subsurface drainage facilities. The estimated excavation is approximately 18,000 cubic yards. Assuming 10-yard dump trucks for hauling off site would result in the need for 1,800 dump truck loads. Assuming a 2 – 3-month duration, it would result in 25 – 38 trucks per day or 50 to 76 truck trips per day (one entering trip and one exiting trip per truck), six days per week.

With regard to the residential module deliveries, the Applicant has worked with multiple vendors in an effort to address construction impacts to the neighborhood. Accordingly, vehicle dimensions were provided and programmed into an AutoTurn analysis to identify vehicle swept paths at the intersections expected to be impacted, which include Route 2, Lake Street, Littlejohn Street, and the intersection of Littlejohn Street with Dorothy Road. This analysis is shown on Figure MT-1 and MT-2. In an effort to minimize the impact to the neighborhood, a staging area will be constructed on the site to allow trailers entering from Littlejohn Street to offload modules to the site, back into the site to reverse directions, and travel back via Littlejohn Street. Figure CR-1 indicates the proposed locations of police details and parking restrictions anticipated on the days of module deliveries.

It is expected that approximately 290 modules will be required to construct the Project. Assuming a 30-minute delivery and unloading period for each module and a six-hour (9:00 AM to 3:00 PM) delivery window over the typical work week (Monday through Friday) results in nearly five weeks to transport the modules to the site. It is anticipated that the modules will be delivered over one week period and then installed the following week; therefore, module delivery will occur every other week for a period of two to three months.

**BETA Peer Review Letter – February 16, 2021**

The following section addresses comments from the February 16, 2021 BETA peer review letter. This letter lists the same Comment No. 23 that is listed in the February 1, 2021 BETA peer review letter. As that comment was addressed earlier in this letter, it has not been reproduced here. The remainder of the letter discusses Transportation Demand Management (TDM) measures from the Vox on Two development and

comments on which ones should be proposed for Thorndike Place. For easy of review BETA's comments are listed in bold italics followed by VAI's responses.

### **TDM MEASURES**

**Comment No. 1:** ***“Designate an on-site employee as the site’s Transportation Coordinator to oversee marking and promoting of transportation options at the site.”***

**Response:** An on-site Transportation Coordinator will be appointed to promote sustainable transportation such as bicycle, pedestrian, and transit usage.

**Comment No. 2:** ***“Provide new residents transportation information packets with information on getting around Arlington sustainably.”***

**Response:** New residents will be provided with a transformation information pack that details information on getting around Arlington sustainably.

**Comment No. 3:** ***“Provide Transitscreen installation in the building lobby which depicts accurate real-time information for area transit, Bluebikes stations, and Uber/Lyft services in the area.”***

**Response:** A Transitscreen will be installed in the lobby to depict accurate real-time information for transit, Bluebike station, and Uber/Lyft services in the area.

**Comment No. 4:** ***“Provide information on available pedestrian and bicycle facilities in the vicinity of the Project site.”***

**Response:** Information on available pedestrian and bicycle facilities in the vicinity of the Project site will be available to residents in a centralized location of the building.

**Comment No. 5:** ***“TMA membership via Alewife TMA or 128 Business Council.”***

**Response:** Property management confirms its commitment to joining either the 128 Business Council or the Alewife TMA.

**Comment No. 6:** ***“Ride-matching service in coordination with Alewife TMA, or a private ride-matching service.”***

**Response:** Ride-matching services will be provided via membership to the Alewife TMA or a private ride-matching service.

**Comment No. 7:** ***“Implement parking fee structure with appropriate fee structure to match parking demand to available parking supply.”***

**Response:** A parking fee structure is proposed that will be “unbundled” and allow for parking fees to be charged separately from rental fees. It is expected that a market survey will be performed as the Project becomes closer to receiving an occupancy permit to allow parking charges to be consistent with area developments. One fee will be developed for the first parking space requested by a unit, with additional spaces charged at a higher rate. Additional spaces will be made available on a first-come/first-served basis after the Project is fully occupied and residents in each unit have had the opportunity to request one space.

**Comment No. 8:** *“Provide 1-month Charlie Card bus/subway pass to all adult residents for the 1st month of rental agreement, up to two per household.”*

**Response:** New residents will be provided a 1-month MBTA pass upon move in. Each household has a limit of 2 passes.

**Comment No. 9:** *“Provide electric vehicle charging infrastructure with up to 2 charging stations, with ability to expand based on future demand.”*

**Response:** Approximately 10 charging stations are proposed on-site in the parking garage.

**Comment No. 10:** *“Provide an annual update to the Arlington Department of Planning and Community Development. Annual report will include number of leased/occupied units, number of leased/occupied parking stalls, annual unit turnover, summary of parking fee structure, and any proposed changes to parking fee structure.”*

**Response:** The Applicant will provide this information on an annual basis.

In addition to the measures identified by BETA and agreed to by the Applicant, the Applicant has committed to the installation of a 23-dock Bluebikes station in the vicinity of the surface lot; committed to discussions with Zipcar to make available up to two surface parking spaces for Zipcars; and agreed to provide 176 covered and secure bicycle parking spaces in the garage. The Applicant has also agreed to provide “Do Not Block” intersection pavement markings at the intersections of Lake Street with Littlejohn Street, Burch Street, and Margaret Street, as shown on Figure TC-1 and TC-2.

It is anticipated that this information addresses the comments. Please feel free to contact us directly if there should be any further clarification needed.

Sincerely,

VANASSE & ASSOCIATES, INC.



Scott W. Thornton, P.E.  
Principal



Derek Roach, P.E.  
Senior Transportation Engineer

Attachments:

Graphic Exhibits: Figures CR-1, MT-1, MT-2, MT-3, TC-1, TC-2

cc: BETA Group, Inc. – Greg E. Lucas, P.E., P.T.O.E, R.S.P



**Legend:**

P

Police Officer Detail Location

F

Flagger / Contractor Location

Parking Restrictions -  
9:00 AM to 3:00 PM  
Monday - Friday

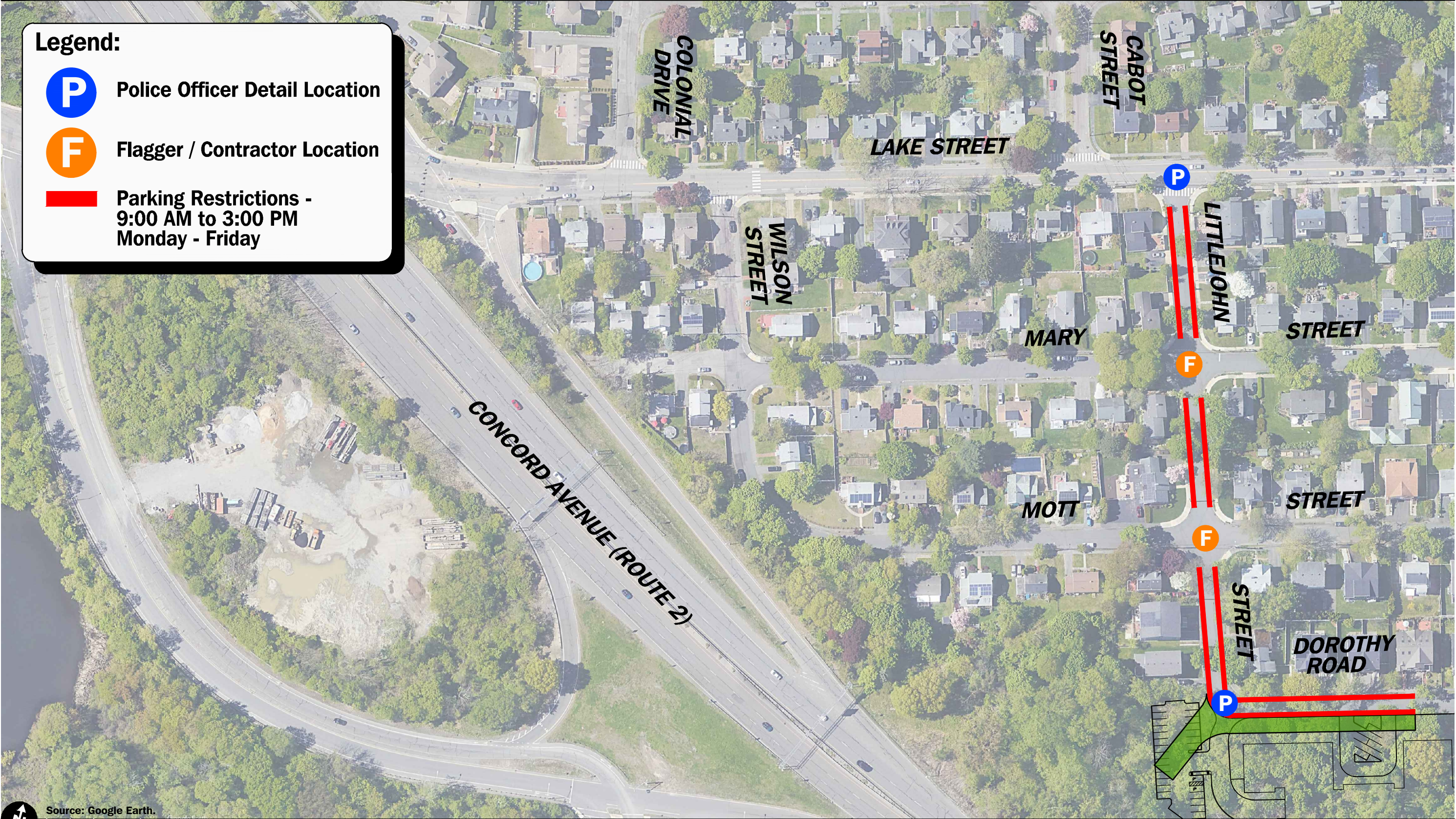


Figure CR-1  
Construction Routing



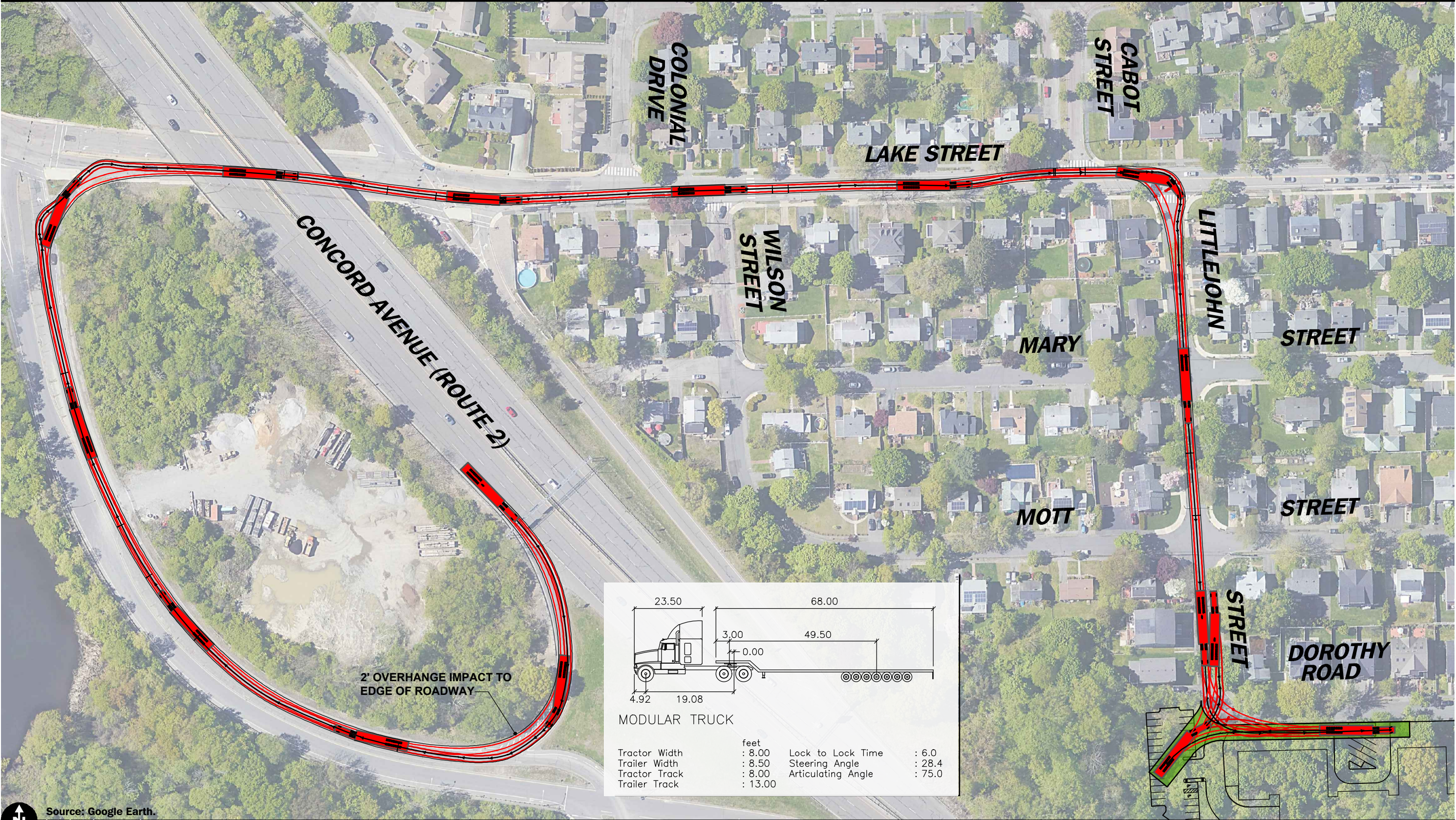


Figure MT-1  
Modular Truck Entering Site



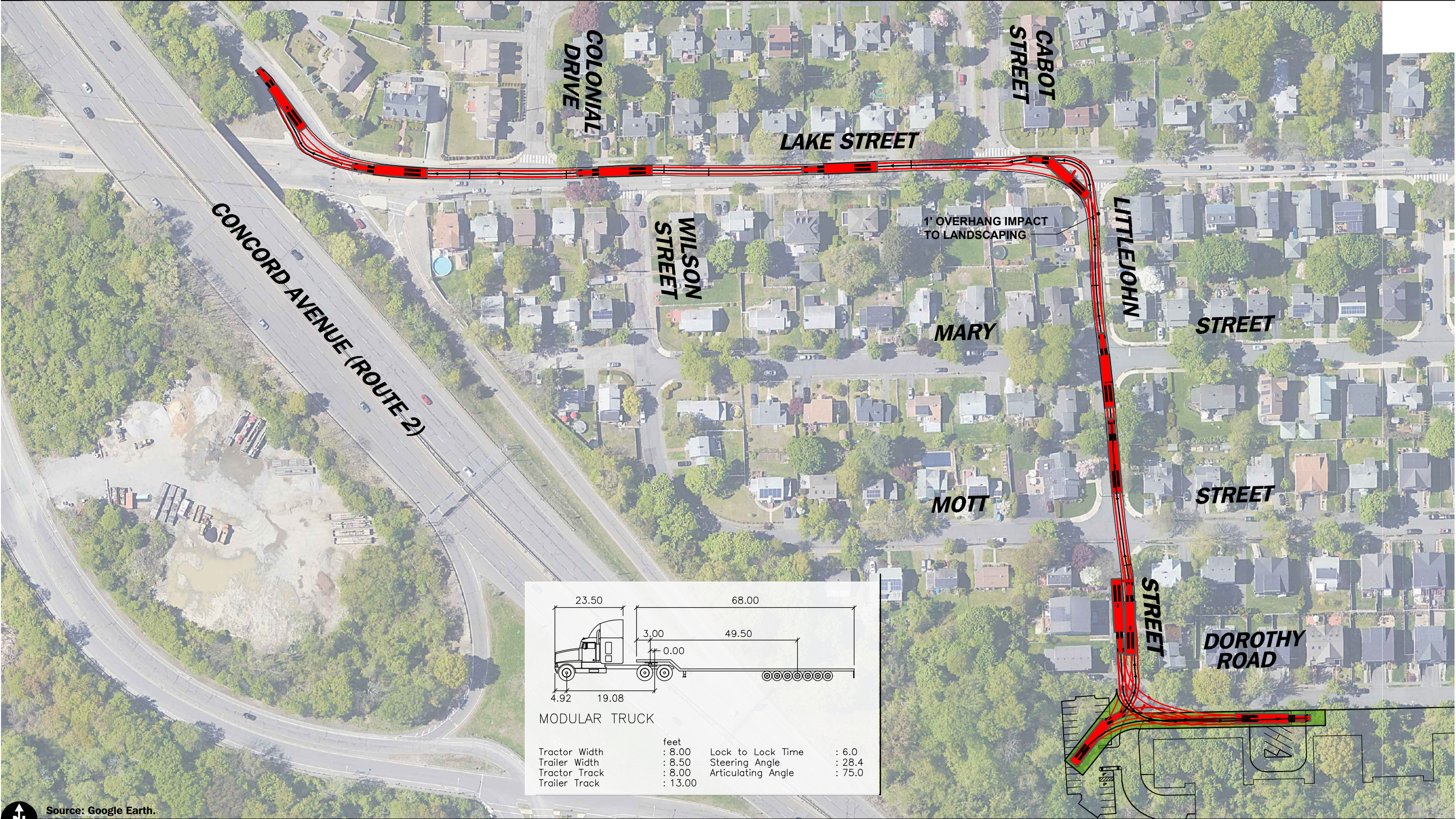


Figure MT-2  
Modular Truck Exiting Site



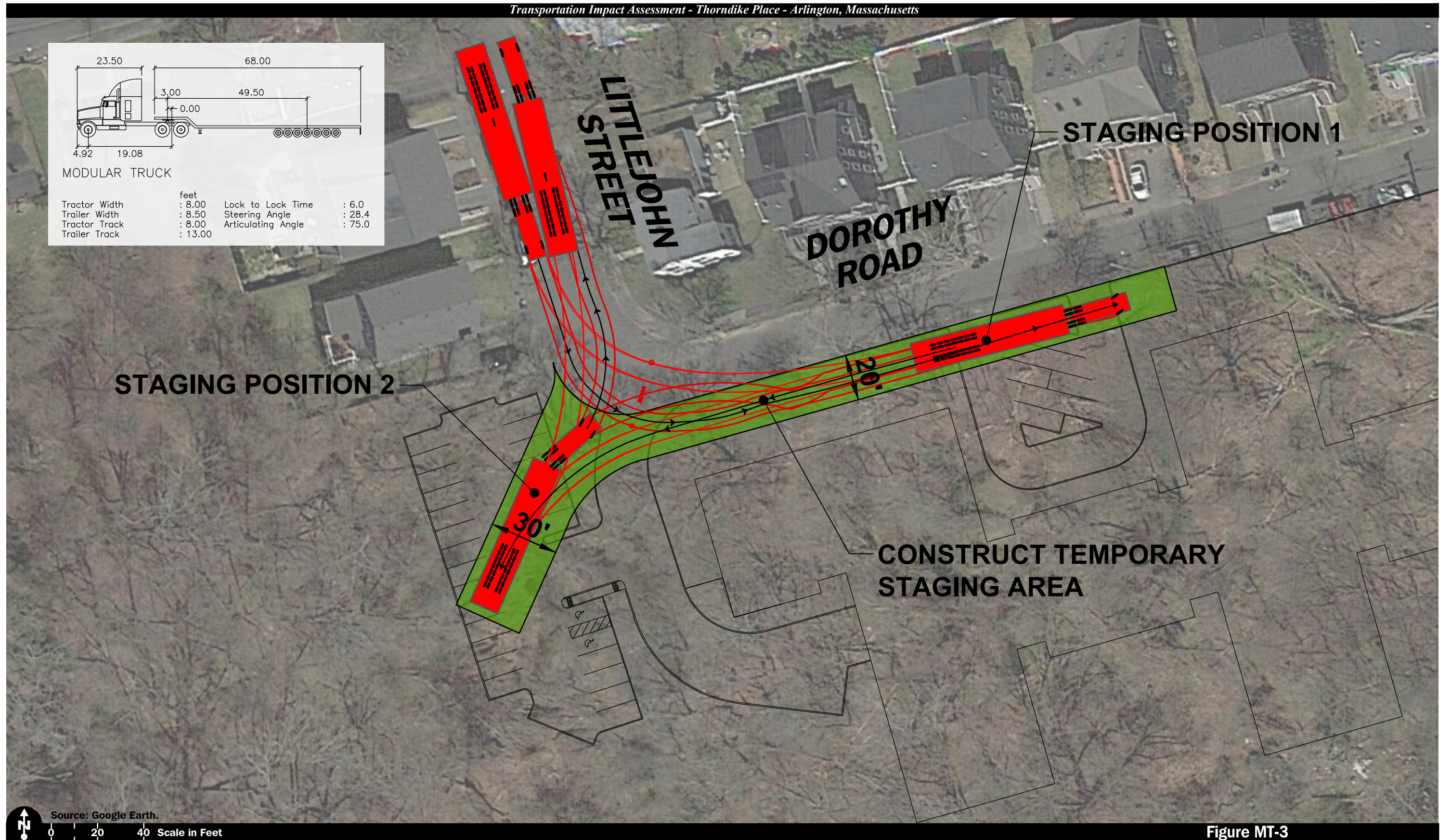


Figure MT-3

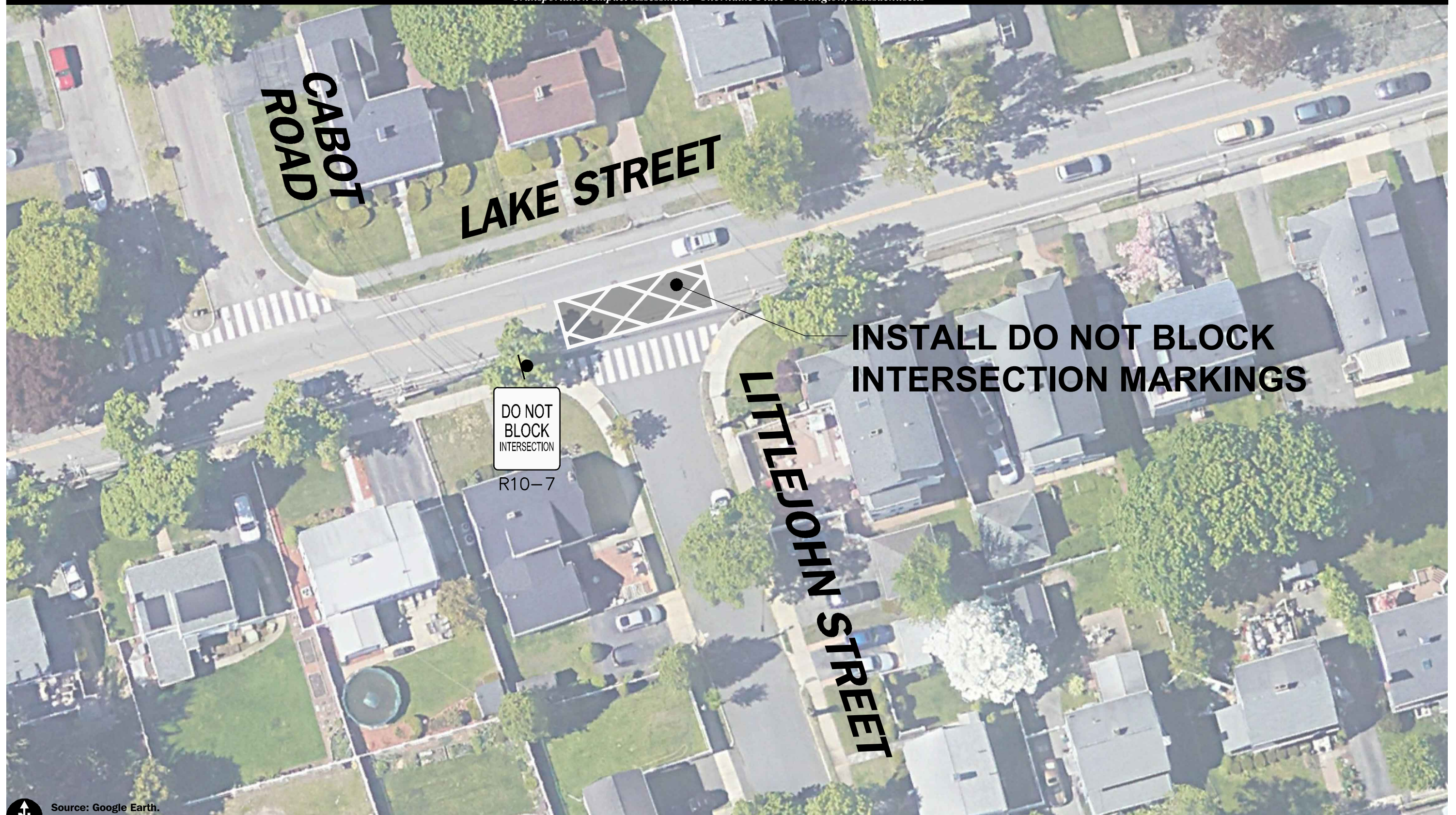
Modular Truck Staging Options





Figure TC-2  
Lake Street Intersection  
Improvement Locations





INSTALL DO NOT BLOCK  
INTERSECTION MARKINGS

DO NOT  
BLOCK  
INTERSECTION  
R10-7

LITTLEJOHN STREET

CABOT  
ROAD

LAKE STREET

Source: Google Earth.  
0 15 30 Scale in Feet

**VA** Vanasse &  
Associates inc

**Figure TC-2**  
**Lake Street Intersection**  
**Improvements Sample**



**From:** "Christian Klein" <CKlein@town.arlington.ma.us>  
**To:** "Vincent Lee" <VLee@town.arlington.ma.us>  
**Date:** 04/07/2021 01:29 AM  
**Subject:** Fwd: Re: Thorndike Place - Local Density Calculation

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Vin,

Can you please post this email to the correspondence received?

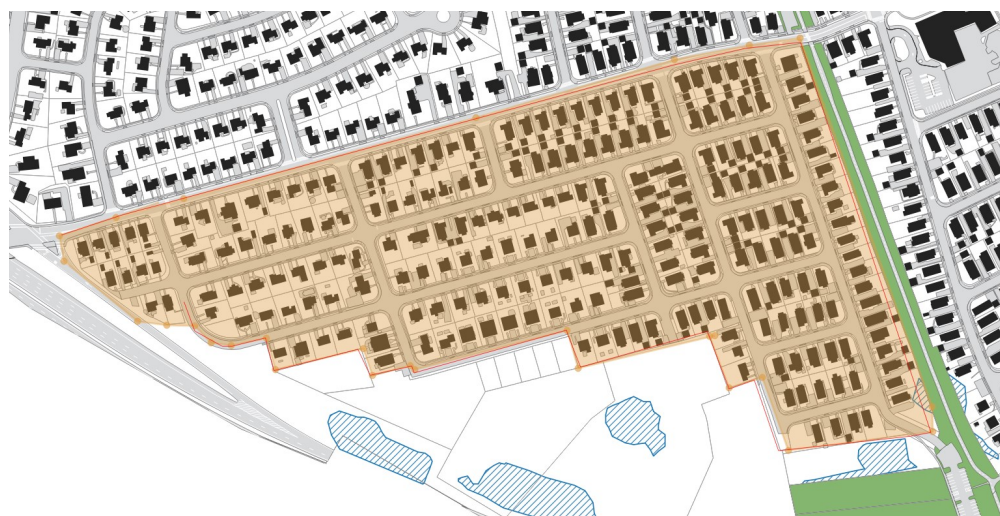
Thanks,

Christian Klein  
 Chair, Arlington ZBA  
 cklein@town.arlington.ma.us

From: "Kelly Lynema" <KLynema@town.arlington.ma.us>  
 To: "Jenny Raitt" <JRaitt@town.arlington.ma.us>, "Christian Klein" <CKlein@town.arlington.ma.us>  
 Cc: "Patrick Hanlon" <phanlon@town.arlington.ma.us>  
 Date: Mon, 15 Mar 2021 23:12:31 -0400  
 Subject: Re: Thorndike Place - Local Density Calculation

Hi Christian,

One additional question: to make sure we are comparing apples to apples, can you provide me with a map showing the area that you are using in your acreage calculation? I currently have around 39.323 acres for the area outlined below, which includes Lake Street up to the centerline, as well as centerlines where lots exist only on one side of the street.



The abutter list I pull for this highlighted area suggests that there are 289 units here. Using your calculations, here's what I have:

Approx. Land Area: 39.32 acres (online mapping tools)  
 Approx Number of Units: 289 (per abutter list download)  
 Approx. Units / Acre: 7.35

If you remove the streets/right of way, you get the following: :

Approx. Land Area: 29.01 acres (GIS, calculating summaries of parcels)

Approx. Number of Units: 289 (per abutter list download)

Approx. Units / Area: 9.96

Ultimately, there are multiple ways to slice this, so making sure we're in agreement on terms and definitions is important. Let em know how I can help with follow up on this.

Thanks,

Kelly

Kelly Lynema  
Senior Planner  
Department of Planning and Community Development  
Town of Arlington  
direct: 781-316-3096  
[klynema@town.arlington.ma.us](mailto:klynema@town.arlington.ma.us)

\*Arlington values equity, diversity, and inclusion. We are committed to building a community where everyone is heard, respected, and protected.\*

## OFFICE OF THE SELECT BOARD

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730 MASSACHUSETTS AVENUE  
TELEPHONE  
781-316-3020  
781-316-3029 FAX

TOWN OF ARLINGTON  
MASSACHUSETTS 02476-4908

March 16, 2021

### **By Electronic and First Class Mail**

Ms. Jessica Malcolm  
Manager of Planning and Programs  
Massachusetts Housing Finance Agency  
One Beacon Street  
Boston, Massachusetts 02108

**Re: Notice of Proposed Revisions to “Thorndike Place,” Arlington, MA  
(MassHousing ID #778/ #779)**

Dear Ms. Malcolm,

The Select Board of the Town of Arlington is in receipt of the March 8, 2021 Notice of Project Revision submitted to you by Arlington Land Realty, LLC (hereinafter “the Applicant”) relative to the Thorndike Place project proposed in Arlington. For the reasons set forth herein, the Board respectfully submits that the revisions to the project are both substantial and incongruous with MassHousing’s December 4, 2015 Site Approval/Project Eligibility determination. As such, this Board requests MassHousing determine that: 1) the changes submitted to you are substantial; and 2) that such changes materially and negatively impact your prior preliminary site approval.<sup>1</sup>

The Board is aware of MassHousing’s stated policy that it will not normally revise or revoke a project eligibility letter in the interim period between the project eligibility and final approval stages. The Board believes such action is necessary here, however, in light of the material revisions the Applicant is now proposing in contradiction of the project eligibility findings.

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<sup>1</sup> For the purposes of this letter, “site approval” and “project eligibility” are used interchangeably. A copy of your December 4, 2015 Project Eligibility/Site Approval Letter is annexed hereto for your convenience as Attachment “A.”



760 CMR 56.04(5) sets forth the standard for reviewing “substantial changes” to project which has received preliminary site approval and authorizes the Chief Executive Officer of a municipality (in Arlington, this Select Board) to request review before issuance of a decision on a Comprehensive Permit application. As noted in section 56.04 (5), “[o]nly the changes affecting the project eligibility requirements set forth at 760 CMR 56.04(1) shall be at issue in such review.” The three enumerated requirements are:

- (a) The Applicant shall be a public agency, a non-profit organization, or a Limited Dividend Organization;
- (b) The Project shall be fundable by a Subsidizing Agency under a Low or Moderate Income Housing subsidy program; and
- (c) The Applicant shall control the site.

760 CMR 56.04(1)(a)-(c).

With respect to criteria “(b)” it is important to reference the remainder of section 56.04(1), which states, “[c]ompliance with these project eligibility requirements shall be established by issuance of a *written determination of Project Eligibility by the Subsidizing Agency that contains all the findings required under 760 CMR 56.04(4)*, based upon its initial review of the Project and the Applicant’s qualifications in accordance with 760 CMR 56.04.”(emphasis added). Hence, these criteria include an examination of whether or not the Applicant’s proposed revisions are consistent with your previous findings of December 4, 2015 in order for the Project to continue to be “fundable by a Subsidizing Agency;” (i.e. MassHousing). Applied to this project, there are a wide range of proposed revisions that speak to MassHousing’s initial eligibility determination, which are now reviewable for their substantiality. A review of such revisions will show that they are substantial changes that conflict with the project eligibility findings.

In other words, contrary to the Applicant’s assertion in its notice letter, your examination of their proposed revisions should determine whether or not the Project as revised is substantially different from the one which you evaluated and approved as “fundable” under 760 CMR 56.04(4)(a)-(g). If you find the project is substantially different than the one you approved under such terms, you may then determine whether or not those substantial changes require modification of project eligibility or entirely void project eligibility. The Select Board believes the magnitude of the proposed changes warrants the latter determination; or alternatively, at a minimum the Applicant should be advised that the proposed revisions require modifications consistent with the terms of eligibility.

As applied to the Notice of Proposed Revisions, there are two categories of changes in which the revised project is both substantially changed from the Applicant’s original submissions for eligibility purposes, and further are materially inconsistent with MassHousing’s previous findings under 760 CMR 56.04(4):

- Removal of Six (6) “Transitional Zone” Townhouses from the Project; and
- Reduction of Access Points and Abandonment of Transit-Oriented Site Improvements.

The Select Board appreciates that the 40B hearing process invites alterations and improvements based upon feedback from zoning boards, technical experts, and the public. It also respects the Arlington Zoning Board of Appeals' jurisdiction and hard work to evaluate a complex project under the rubric of c. 40B. In this instance however, these alterations stem from the site constraints highlighted to the Applicant and MassHousing at the outset of this project because of its limited access and proximity to wetland resources. Addressing one area of concern by exacerbating others does not render such proposed changes insubstantial or benign.

## **I. Appropriateness of Design & Removal of Townhouse Transitional Zone**

In both the Applicant's submissions for Project Eligibility and MassHousing's approval thereof, the appropriateness of the project was tied heavily to the construction of six (6) duplex style townhouse buildings containing twelve (12) homeownership units<sup>2</sup> to serve as a buffer between the single and two family homes in the surrounding residential neighborhood and a four-story, large-scale apartment building proposed for the back of the site.

As proposed initially, the townhouses were to occupy the street frontage on Dorothy Road, providing a necessary buffer to the proposed apartment building to be located approximately 80 feet behind the townhouses and more than 150 feet from the road. These townhouses have been entirely eliminated from the revised project and replaced along the street frontage with a 172-unit apartment building<sup>3</sup> that is only 25 feet off of Dorothy Road and which stretches along the road for approximately 450 feet. The foregoing proposed revisions are entirely inconsistent with a foundational premise of MassHousing's Approval.

As the Applicant stated to MassHousing to obtain its approval:

The townhouse units were designed as a transitional zone between the duplex and single family homes of the existing residential neighborhood to the north and east of the project and the larger proposed apartment building to the south. *The proposed two-story town homes are of a similar height, scale and spacing as the other homes along Dorothy Road. To reflect the character of the street, the townhouse units feature lap siding, pitched roofs and a welcoming front porches.*

See Application for Site Approval at 3.3. "Narrative Description to Design Approach."<sup>4</sup> (emphasis added).

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<sup>2</sup> An added benefit of the townhouses was that they would be developed as homeownership units. Their removal in the revised submission is a change in tenure type as well as building type which, per the initial eligibility letter, provides an independent basis for requiring the submission of a new site eligibility application. (See Project Eligibility Letter, at p. 5).

<sup>3</sup> As further evidence of the scope of the proposed structure and its incompatibility with the surrounding neighborhood is, if built, the proposed apartment building would be the single largest apartment structure in the Town of Arlington.

<sup>4</sup> The Applicant also highlighted the Townhouses as evidence of sustainable development through both the lenses of concentration of development and mixed use, and expansion of housing opportunities.

MassHousing was highly responsive to such claims, noting several times in its Site Approval Letter of December 4, 2015, the importance of the townhouses as a buffer to the proposed apartment building. Such references included the following:

“As stated the Project will include 6 duplex style townhouses and 1, four-story apartment building. Buildings have been sited with the goal of minimizing impacts on the surrounding streetscape, *with the townhouses located along Dorothy Road, closest to the Site entrance, and the larger building set back to minimize its observable bulk.*

Adjacent typology is residential development mainly comprised of one and two-family colonial style homes. *The proposed townhouses are sited along Dorothy Road and will complement the existing residential development of this street, as the townhouses are of a similar height, scale, and spacing as the other homes along Dorothy Road...[and] were designed as a transitional zone between the duplex and single-family homes...[and] reflect the character of the street.”*

See, Project Eligibility/Site Approval Letter, at Attachment “1” p. 8-9.

MassHousing further cited the value of the townhouses as essential for a transitional zone in assessing the Project’s relationship to adjacent streets and integration into existing development patterns. *Id.* at p. 9. As stated, the revised proposal both eliminates this “transitional zone” in its entirety and moves the similarly-scaled four-story apartment building *closer* to Dorothy Road; eliminating both the townhouses themselves and the eighty feet of distance between them and the original planned apartment building.

The Applicant contends that these revisions are the product of feedback meant to address concerns of the Zoning Board of Appeals and others. However, to this Board’s understanding, the extent of such feedback was primarily in the form of universally shared concerns that the original proposal was within wetlands resource areas. To maintain adherence to the project eligibility findings, the foregoing building limitations should have resulted in the Applicant re-scaling the proposed apartment building behind the townhouse transition zone. Instead, the Applicant abandoned adherence to the design requirements contained in Section 56.04(4)(c) and proposed the complete removal of the townhouses with an apartment building having no compatibility with its surrounding neighborhood.<sup>5</sup> Although it is the Applicant’s prerogative to address one problem by creating or exacerbating another, such alterations taking place in the context of feedback about wetlands impacts or even the overall scope of the project does not

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<sup>5</sup> The Applicant’s asserted justification in its notice letter for the elimination of the townhouses – the removal of driveways – reveals a complete disregard for the legitimate concerns of those living in the neighborhood in which it wishes to build. Moreover, comparison of the prominent language contained in the Applicant’s project application concerning the importance of the townhouses as a transitional buffer with the bare mention in the notice letter within a footnote of the supposed compatibility of the relocated apartment building with the surrounding neighborhood further highlights the shortcomings of the revised proposal and its conflict with the project eligibility findings.

render it immune from being rightly considered a substantial change or contrary to a foundational element of MassHousing's Site Approval.

Indeed, the facts presented here following the removal of the townhouses are similar to those which led to MassHousing's denial of site approval/project eligibility in the 2017 Project Eligibility Application for "Medfield Meadows" (MH# 873). *See* January 31, 2017 Project Eligibility Letter of MassHousing re "Medfield Meadows," (MH#873) annexed hereto as Exhibit "B." In your denial of project eligibility relative to said application you noted that proposed three and four-story apartment buildings were not consistent with nearby existing building typology – single and two story homes in a residential neighborhood which would be overwhelmed by the "height, mass, and scale" of apartment buildings. Germane to the specific changes submitted to you in this matter, you noted that the Medfield Meadows Project did not "make a reasonable transition to this well established residential neighborhood." *Id.*

In your Site Approval Letter for this project you explicitly noted how important the Townhouses were to the relationship with the neighborhood in the same terms discussed in "Medfield Meadows," finding:

"[t]he proposed townhouse units on Dorothy Road were designed as a transitional zone between the duplex and single family homes of the existing residential neighborhood to the North and East of the project and the larger proposed apartment building to the South." *See*, Project Eligibility/Site Approval Letter, at Attachment "1" p. 9.

While this Board questioned whether the Townhouses were sufficient buffers between a long-standing single and two-family residential neighborhood, it cannot disagree with the palpable difference between a project with townhouses and one without.

As submitted by the Applicant, the townhouse transitional zone presented the following in terms of presentation to the street, massing, height, and scale:



However, the revised proposal, which the Applicant urges you to consider an insubstantial change presents in stark contrast as follows<sup>6</sup>:



On its face, this revised proposal presents the very concerns that formed the basis for your denial of eligibility in a near-identical context. Where once were townhomes featuring spacing, height and mass similar to the existing homes in the neighborhood, there is now a large apartment building directly on the street with nothing to transition or buffer direct-abutters living in single

<sup>6</sup> The Applicant's streetscape rendering, which it included as an attachment to its notice letter, is inaccurate as it fails to show, among other shortcomings, the main entry and the "semi-circular" access drive in the newly proposed apartment building. Moreover, the 3D streetscapes also included in the notice letter package at Attachment "B" significantly overstate the width of Dorothy Road. Such inaccuracies have added significance here given that a primary issue before MassHousing is compatibility with the surrounding neighborhood.

family or two-family homes next to or across the street from the building. Accordingly, we respectfully ask you to deem the removal of these townhouses a substantial change; and further, one material enough that eligibility will require restoration of such townhouses with a re-scaling and re-siting of the apartment building behind the townhouses in a manner that complies with applicable environmental statutes, regulations and bylaws.

## **II. Site Appropriateness: Traffic & Transportation**

In addition to the foregoing, the project granted preliminary site approval by the revised proposal before you makes no mention of two critical elements to your traffic and transportation assessment and overall evaluation of site appropriateness. First, the site has no access whatsoever to or from Route 2 and no longer features direct access to Parker Street or Burch Street. In its revised form all vehicular access is provided by Little John Street and Dorothy Road, which are essentially the same street for the purposes of this project. Second, the revised project has no walking path improvements to connect the site to a more direct access points to the Alewife T Station or the Minuteman Bikepath. These elements were featured pieces in establishing the appropriateness of a site that still proposes to add parking nearly 200 cars to frequent narrow residential streets. Their abandonment constitutes further substantial and detrimental changes. Four vehicular access points and at least one supplementary pedestrian access point have been reduced to place all vehicular and pedestrian access to a single roadway.

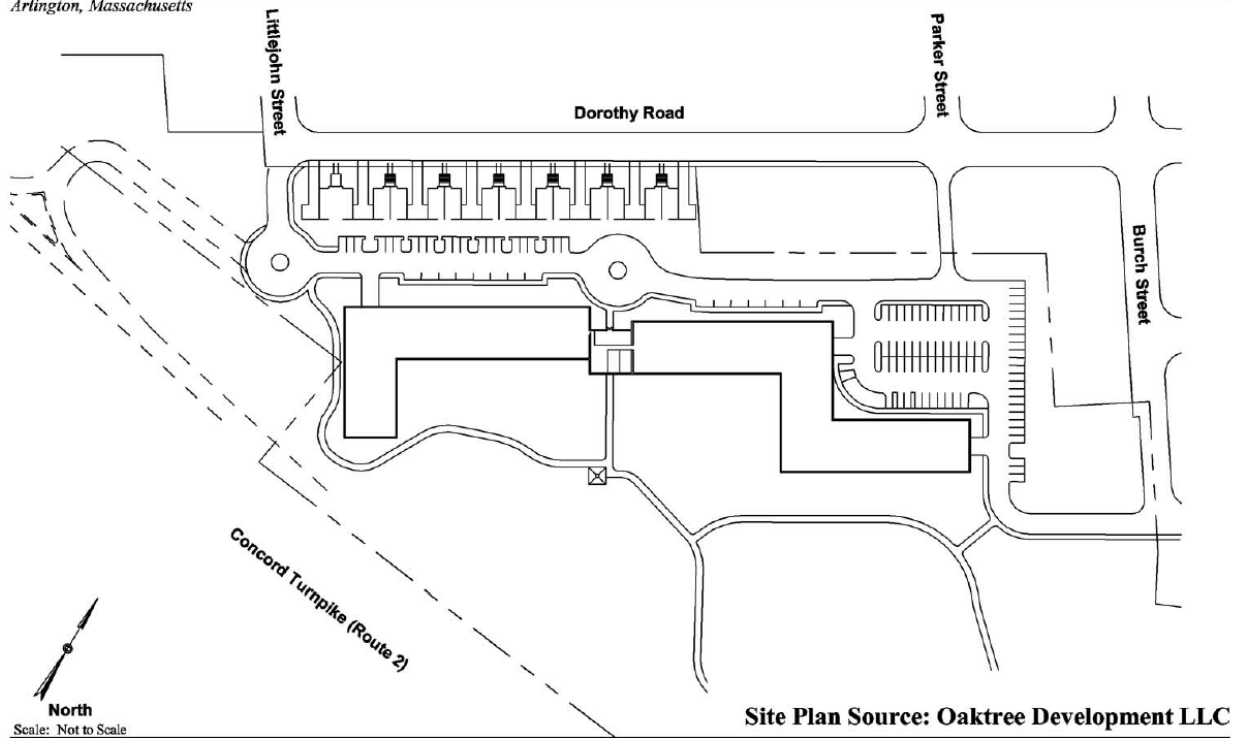
### **A. Reduced Traffic Access Points & No Access from Route 2**

One of MassHousing's principal findings with respect to the general appropriateness of the site for redevelopment was that "[t]he Site is accessible to Route 2, which borders the site." See Eligibility Letter at Attachment "1;" Findings "(b), p. 8. Indeed, both the site plans submitted by the Applicant to MassHousing, and the April 2014 Traffic Impact and Access Study by MDM Transportation Consultants highlighted access to Route 2 a feature for MassHousing given the constraints of the modest neighborhood streets otherwise necessary for ingress and egress. As MDM's report stated:

*"The proposed Site programming consists of developing the Site as a 207-unit residential development consisting of 193± rental apartment units and 14± townhouse/ condominium units. On-Site parking is planned for 171 garage spaces and 138 surface spaces for a total of approximately 309 parking spaces. The townhouse apartment units are proposed to have individual driveways directly onto Dorothy Road. Planned Site access/egress for the apartment units includes three unsignalized driveways including a full-access driveway connection to Dorothy Road, a full-access driveway along Burch Street, and a gated emergency-only driveway connection to Parker Street. An additional access/egress driveway that would be restricted to right-in/right-out movements along the Route 2/Lake Street westbound off-ramp is also evaluated as a potential alternative. The preliminary Site layout plan prepared by Oaktree Development LLC is presented in Figure 2"*

See MDM Traffic Impact and Access Study at E.1 p. 2; and Figure 2. (emphasis added).





*(As can be seen in MDM's "Figure 2," both the Rt. 2 Ramp and Burch Street and Parker Street access were prominent features of the Site Plans submitted for Site Approval to MassHousing)*

This proposal was further referenced in Section E.4 "Access Improvements" of the MDM Study, stating:

The alternative driveway connection to the Route 2 westbound off-ramp to Lake Street is being considered as a more direct access to/from Route 2, thereby reducing dependence on local roadways. The Proponent is in consultation with MassDOT to identify land acquisition requirements that involve re-designation of access lines along the Route 2 property frontage and transfer of property to MassDOT that would mutually benefit both parties.

See MDM Traffic Impact and Access Study at E.1 p. 4

Neither the current revised project plan nor any plan submitted to the Arlington Zoning Board of Appeals within the Applicant's Comprehensive Permit have maintained or even proposed an off-ramp or any other direct access to Route 2. Indeed no alternatives whatsoever have been provided to achieve "reduc[ed] dependence of local roadways" by the Applicant in the Revised Project before you, with or without any of the other changes referenced by the Applicant in their recent Notice.

Additionally, as recited above, MDM's Traffic Impact and Access Study and the Applicant's proposal to you included site access and egress via three driveways – one on Dorothy Road, a second on Burch Street (at the intersection of Edith Road), and a third

emergency-only access point on Parker Street, all but one of which have been eliminated in the revised project.

Local traffic congestion concerns were one of the principal concerns raised by this Board in its August 18, 2015 and October 6, 2015 comments to MassHousing given the limitations of the narrow residential streets abutting the proposed site. This Board trusts that such representations to MassHousing were meaningful factors within your decision to grant project eligibility. As such, we strongly urge you to deem the abandonment of *any* alternative means for traffic to access the proposed site and the elimination of two vehicular access points to constitute a substantial change under 760 CMR 56.04(5) that is inconsistent with the bases of your eligibility determination.

#### B. Removal of Transit-Oriented Walking Path Access

In a similar vein, MassHousing's preliminary site approval was also predicated in part on the ease of access to public transit from the site via "an integrated system of sidewalks and a *path connection* to the nearby Minuteman Bike Path to facilitate bicycle use and accessibility and use of public transportation at the nearby Alewife MBTA station." See MDM Traffic Impact and Access Study at E.3, p. 3; E.5, p. 4; and 3.4, p. 19; and Figure 2. To that end, both the Site Approval Application and the MDM Study included site plans specifically providing a walking bath on the lowland wetland parcels both as an attractive amenity for passive recreation and as a more direct means of connecting the site to the Minuteman Bikepath.<sup>7</sup> See, e.g., Site Approval Application at 3.1, "Preliminary Site Plan," 3.2 "Preliminary Architectural Plans," and Attachment 2.3 "Site /Context Photographs."

As highlighted in the Preliminary Site Plan submitted to you, the Applicant proposed a connected network of walking paths through the wetlands areas to provide further and more direct connections from the site to the Minuteman Bikepath and Alewife.



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<sup>7</sup> Given the size and scale of Site Plans, full copies previously submitted to MassHousing have not been attached. Full copies can be provided to MassHousing for your convenience at your request.



The foregoing picture was included (Attachment 2.3 to their Application) as an example of what could be achieved to connect the project site more directly to both the existing bikepath and Alewife. However, in the revised proposal, there is only a walking path circling the re-sited apartment building.

It may well be that the Applicant has removed this element of its proposal because it was predicated on eager acceptance of the portions of land in question by the Town and subsequent Town improvements to it using mitigation funds provided by the Applicant. However, at this juncture it cannot be denied that a substantial feature of the project for the purpose of accommodating and encouraging use of public transit from the site has been removed. Especially in concert with the previously noted changes to the vehicular access, the Select Board believes the cumulative revisions to access and ingress/egress to and from the site are both substantial and in conflict with the bases for your grant of preliminary site approval/project eligibility. The end sum is a revised project in which all automotive, bicycle, and foot traffic must utilize a single residential street for access to 172 units rather than the highway, multi-street, and walking path connections originally proposed for eligibility purposes.

### Conclusion

As set forth in 76 CMR 56.04, this body has the responsibility and authority to comment upon a Notice of Revision where in its judgment changes to the project preliminary afforded site approval by you are substantial. The dramatic alteration of several of the core elements of this project – elements that assured your approval was appropriate – are both substantial and incongruous with your findings for eligibility purposes. As such, the Arlington Select Board urges MassHousing to first find that the revision proposal includes substantial changes, and second that absent remediation, those changes disqualify the project from the eligibility you previously granted.

Please contact us should you have any questions or if you would like any additional support for our comments above.

Respectfully submitted,  
On behalf of the Arlington Select  
Board as its Chair,

A handwritten signature in black ink, appearing to read "John V. Hurd". The signature is fluid and cursive, with the first name "John" being more prominent.

John V. Hurd

cc: Stephanie Kiefer, Esq., *Counsel for the Applicant*

Arlington Zoning Board of Appeals

Sen. Cindy Friedman

Rep. Sean Garballey

Rep. David M. Rogers

## **ATTACHMENT “A”**

March 8, 2021

Via Email

Jessica Malcolm, Manager of Planning and Programs  
Massachusetts Housing Finance Agency  
One Beacon Street  
Boston, Massachusetts 02108

Re: Thorndike Place, Arlington (MassHousing ID #778/#779 )  
Notice of Project Revision Under 760 CMR 56.04(5)

Dear Jessica:

On behalf of the Applicant, Arlington Land Realty LLC, and in accordance with 760 CMR 56.04(5), we are notifying MassHousing, as the Subsidizing Agency, of the desire of the Applicant to change certain aspects of its respective project known as Thorndike Place. As more fully described herein, the revisions come about in light of feedback from the Zoning Board and others within the public hearings on the Applicant's Comprehensive Permit Application.

Original Proposal and Permitting Process Background:

The Applicant was granted a Project Eligibility Letter ("PEL") from MassHousing for Thorndike Place on December 4, 2015. At that time, the Thorndike Place project proposal included a total of 219 dwelling units, twelve (12) of which were townhouse homeownership units together with 207 units of rental housing situated on a triangular parcel consisting of 17.8+/- acres of land (5.6 +/- buildable acres), located on Dorothy Road, in Arlington, Massachusetts. The described project included six (6) duplex-style townhouses (2.5 stories/32 feet) and one (1) multifamily apartment building (4 stories/53 feet). The project's unit mix included 104 one-bedroom units, 92 two-bedroom units and 23 three-bedroom units.

The project locus is within the Planned Unit Development ("PUD") zoning district under the Arlington Zoning Bylaw, for which duplex homes are allowed as of right and multifamily housing is conditionally allowed. In the PUD district, the maximum building height is 85 feet and residential housing is limited to five (5) floors. As described in the Project Eligibility application, the developed portion of the site would be along Dorothy Road and would extend along the length of Dorothy Road, including surface parking and the easternmost third of the four-story apartment building located behind six lots on Dorothy Road. Off-street parking for the apartment building was proposed both via surface parking (102 spaces) and parking under the apartment building (178 spaces). As an amenity, not just to the Thorndike Place community but to the Town itself, the Applicant proposed to set aside approximately 10+ acres of the site as open space.

The original project design included eight driveway entrances off Dorothy Road, seven of which were associated with the townhouse duplexes and a main access drive near the intersection of Littlejohn Street and Dorothy Road, leading to the surface and garage parking associated with the multifamily building. In addition, the original Project included a secondary access drive at the intersection of Burch Street and Edith Street at the eastern boundary of the site.

Mass Housing's PEL was issued on December 4, 2015. On September 1, 2016, the Applicant filed a Comprehensive Permit application with the Arlington Zoning Board of Appeals ("ZBA"). On September 27, 2016, the ZBA opened the public hearing on the Application and by letter dated October 6, 2016, the ZBA notified the Applicant that the ZBA sought protection under the General



Land Area Minimum Safe Harbor, asserting its belief that the Town had 1.5% or more of its General Land Area dedicated to Subsidized Housing Inventory (“SHI”) eligible housing. The Applicant submitted a challenge to the DHCD pursuant to 760 CMR 56.03(8), noting that the Town had double discounted land area associated by water bodies, thereby inaccurately calculating the general land area in performing its calculations. On November 21, 2016, DHCD issued its written determination finding that the ZBA had not achieved safe harbor status. In December 2016, the ZBA filed an interlocutory appeal with the Housing Appeals Committee (“HAC”). The HAC decision was issued on October 15, 2019,<sup>1</sup> again determining that the Town did not establish qualifying for the safe harbor.

#### Project Revisions

Subsequent to the HAC’s Decision on the interlocutory appeal, the Application was remanded to the ZBA in late fall 2019. Due to Covid19, the ZBA did not conduct public hearings for a number of months and it was not until late September 2020 that public hearings, via Zoom, were reestablished on the application. With input from the ZBA as to the size, scale and location of buildings near or within resource areas, the Applicant presented revised plans to the ZBA in November 2020. The revised plans, reduced the density by removing the standalone duplex buildings and shifting the multifamily building to the north, away from resource areas as defined in the Massachusetts Wetlands Protection Act and the Arlington Wetlands Bylaw.

Since that time, the Applicant and the ZBA have conducted continued public hearings in November, December, January and February together with multiple work sessions with the Applicant’s professional team, the ZBA’s peer review professionals, the Conservation Commission, the Transportation Advisory Committee (“TAC”) and Town staff. As a result of the feedback provided to the Applicant by the ZBA, the Town Planner, Town Engineer, the Conservation Commission and its agent, the ZBA’s Peer Review professionals from BETA Group as well as the public, the current proposal is as follows:

- One multifamily building, which consists of 172 dwelling units, consisting of 88 one-bedroom units, 55 two-bedroom units, 18 three-bedroom units and 11 studios.
- The six 2.5 story duplex-style townhouses, and the associated seven access drives to enter the private garages off Dorothy Road, are no longer included in the project.<sup>2</sup>

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<sup>1</sup> In large part, the length of time (nearly three years) for a decision in the HAC interlocutory appeal was attributable to the ZBA’s request to stay the appeal and subsequent pursuit of a separate civil lawsuit brought by the ZBA against the DHCD, Department of Mental Health and Department of Developmental Services, seeking confidential address information as to special needs housing. Ultimately, the ZBA never sought to use this information within the underlying HAC appeal.

<sup>2</sup> In other projects, MassHousing has concluded that a change in tenure does not justify revisiting a PEL. For instance, with respect to the Abbyville Commons 40B proposal in Norfolk, subsequent to obtaining site approval for a 48-unit rental project, the Developer notified MassHousing that due to input from the community, the proposal was changed from a rental project located in two buildings to 88 duplex-style condominiums. In response to the Section 56.04(5) notice, MassHousing affirmed that no new project eligibility letter was required, stating, “[i]t is MassHousing’s interpretation of the Comprehensive Permit Regulations that Subsidizing Agencies should normally not update Project Eligibility Letters as a project develops but should rather, consider whether the initial proposal is eligible for a subsidy project at the project eligibility stage and then consider with the final approval is eligible directly before the construction at the Final Approval state. Any other approach could interfere with a Chapter 40B’s goal of expedited permitting. It is for this reason that a Project Eligibility Letter issued pursuant to the comprehensive permit regulations shall, pursuant to 760 CMR 56.04(6) be conclusive evidence that the project and the applicant have satisfied the project eligibility requirements.” A copy of the MassHousing letter is attached as Attachment C (Emphasis added).

- The developed portion of the site is largely confined to an approximately 5.15-acre limit of work, with the balance of the site to remain as open space/conservation land. This is largely consistent with the original proposal, but it is noted that by condensing the overall length of the apartment building and adjusting its location further to the north on the site, the building and all infrastructure are outside of vegetated wetland areas to the east and south, with only limited impacts to the wetland buffer for a small portion of the subsurface garage under the southwest courtyard, grading, stormwater management systems and a portion of the permeable emergency access road around the back of the building.
- Garage parking under the multifamily building for 179 vehicles plus 176 secured bicycle parking spaces. (The original proposal as set out in the Project Eligibility application included garaged parking for 178 vehicles in the multifamily building garage).
- The building adheres to the PUD zoning district use and dimensional regulations; in particular multifamily use is allowed by special permit in the PUD district, the project is far below the maximum height in the PUD district (which maximum height is set at 85 feet/5 floors for residential uses), the project meets or exceeds the setbacks of the PUD district and it is below the allowable FAR for the site (.80 FAR).

Attached hereto, please find the updated site drawings prepared by BSC Group, revised November 3, 2020 and January 21, 2021 (Attachments A.1 and A.2) and updated architectural elevations and perspective drawings by Oaktree/Bruce Hamilton Architects, as presented to the ZBA at the February 16, 2021 hearing (Attachment B).

The present building design retains the four-story apartment building, but has revised its layout such that there is a central building spine set back approximately 90+ feet from Dorothy Road. Extending northerly (toward Dorothy Road) are three separate wings, or building tabs, the width of each approximate the width of the townhomes on the opposite side of Dorothy Road. These front portions of the building will be two stories tall (approximately 25 feet in height) and set back 25 feet from Dorothy Road.<sup>3</sup> In between the building's northerly wings are two large courtyards, one which provides access to the building entry and allows temporary parking/drop offs and the other to be landscaped open space. The courtyards further create a less crowded/more open feel along Dorothy Road. The building graduates to three floors and thereafter to four floors along the central building spine and the building wings to the south of the site, substantially removed from Dorothy Road and any abutting property.

As opposed to the eight driveway curb cuts proposed on Dorothy Road under the original proposal, the revised design streamlines the access off Dorothy Road to one main driveway which provides access to the surface parking lot to the west and to the garaged parking under the building.

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<sup>3</sup> It is noted that the height of the currently revised building wings (25 feet) closest to Dorothy Road are actually lower than the height of the previously proposed townhouses, which were 2.5 stories/32 feet in height. By the use of low, two-story front wings of the building set back 25 feet off Dorothy Road, the architecture of the building is consistent with the setbacks, width and heights of the surrounding townhomes on the opposite side of Dorothy Road and to the east of the site. The revised design has incorporated the municipal input with respect to massing, scale, topography and environmental resources.

For short-term or drop-off/deliveries, there is a second semi-circular access drive located closer to the center of the building at the location of the building's lobby entrance.

Further, in response to requests by the ZBA and the TAC for a reduction in parking, the revised design incorporates a reduced number of parking spaces and corresponding commitments to a number of transportation demand management (TDM) measures, further enhancing the transit-oriented nature of the Project. Representative TDM measures include: a 23-dock Bluebikes station, a transit-screen display in the building entrance lobby, first month MBTA passes to new residents, a designated transportation coordinator as part of building management staff; secured parking for up to 176 bicycles and a bicycle repair area within the garage; and transportation information packages to be provided to all residents.

The revised design not only reduces impervious access drives and parking areas, but also avoids direct impact to wetland areas and limits permanent project improvements to the outer edges of the 100-foot buffer. Further, the revised proposal significantly limits the amount of work within the floodplain as compared to the original application. Impacts to floodplain are limited to two shallow fingers of the floodplain with the revised plans providing for the creation of compensatory storage at a ratio of 2:1, as consistent with the Arlington Wetlands Regulations.

The ZBA has expressed interest in having MassHousing's clarification concerning the process through which these project changes may be handled. In accordance with 760 CMR 56.04(5), the Applicant provides written notification to the Subsidizing Agency of these project changes. As stated in Section 56.04(5), only changes affecting project eligibility requirements as set forth in Section 56.04(1) are to be assessed.<sup>4</sup> These described changes do not impact the Applicant's qualification as a limited dividend entity under Section 56.04(1)(a). Similarly, as the proposed changes address density, scale and environmental concerns that had been raised within the public review process, the changes are specifically responsive to otherwise enhance the project and its consistency with the existing environmental resources and topography and do not adversely impact the project or its fundability in accordance with Section 56.04(1)(b). Lastly, there has been no change to site control as Applicant continues to own the site. *See* Section 56.04(1)(c).

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<sup>4</sup> The limits of MassHousing's review under 760 CMR 56.04(5) is similarly described in prior requests submitted to the agency directly on behalf of a Zoning Board. For instance, with respect to the Goodridge Brook Estate's 40B proposal in Lancaster (PEL-963) in which the ownership portion of the proposed development (120 apartments/40 duplexes) was revised by developer (from 40 duplexes to 62 four-bedroom homes), the Lancaster ZBA Chair requested MassHousing to review the changes. By letter dated October 29, 2018, MassHousing reaffirmed the conclusiveness of its prior project eligibility determination in writing to the Lancaster ZBA Chair, stating "[s]ince the changes outlined in your letter have been proposed prior to issuance or denial of a Comprehensive Permit, 760 CMR 56.04(5) narrowly limits the Subsidizing Agency's review to changes which affect the project eligibility requirements set forth in Section 56.04(1)." *See* Attachment D (Emphasis supplied).

**SMOLAK & VAUGHAN LLP**

Jessica Malcolm, Manager  
Comprehensive Permit Programs

We thank you for your review of this matter and request that MassHousing reaffirm its prior PEL. Please feel free to contact me should you have any additional questions. Thank you.

Sincerely,

*/s/ Stephanie A. Kiefer*

Stephanie A. Kiefer

sak/

Encl.

cc: Peter Mugar, Arlington Land Realty LLC  
Gwen Noyes/Arthur Klipfel, Oaktree Development  
Robert Engler, SEB Housing Consultants  
Christian Klein, Chairman, Arlington Zoning Board of Appeals (via email)  
John V. Hurd, Chairman, Arlington Board of Selectmen (via first class mail)  
Jennifer Maddox, Undersecretary for Housing and Community Development (via first class mail)

## **ATTACHMENT “B”**



Massachusetts Housing Finance Agency  
One Beacon Street, Boston, MA 02108

TEL: 617.854.1000 | FAX: 617.854.1091  
VP: 866.758.1435 | [www.masshousing.com](http://www.masshousing.com)

January 31, 2017

**VIA CERTIFIED MAIL**

Medfield Meadows LLC  
18 Forest Street  
Dover, MA 02052  
Attention: John Kelly, Principal

RE: Medfield Meadows  
Medfield, MA (MH# 873)  
Project Eligibility (Site Approval) Application

Dear Mr. Kelly:

This letter is in response to your application for a determination of Project Eligibility ("Site Approval") pursuant to Massachusetts General Laws Chapter 40B ("Chapter 40B"), 760 CMR 56.00 and the Comprehensive Permit Guidelines issued by the Department of Housing and Community Development ("DHCD") (the "Guidelines" and, collectively, the "Comprehensive Permit Rules"), under the following program (the "Program"):

- New England Fund ("NEF") Program of the Federal Home Loan Bank of Boston.

The original application proposed to build two hundred (200) units of rental housing in two (2) buildings on individual parcels separated by North Meadow Road (Route 27) (the "Project") at 39-41 Dale Street and 49 Dale Street (the "Site") in Medfield, Massachusetts (the "Municipality"). Subsequent to an initial review of the Site and the proposed plans and comments from the Municipality regarding the site plan, MassHousing requested that the applicant reconsider the Project and its compatibility with adjacent uses and compliance with 760 CMR 56.04(4)(c), the applicable regulations that govern the design elements of a 40B proposal.

On January 5, 2017 the Applicant submitted a revised proposal to MassHousing that purported to respond to concerns regarding the original site plan, reduced the proposed height of the buildings and the number of units from two hundred (200) to one hundred eighty two (182) rental apartments units in three separate three and four-story buildings on a total of 6.24 acres of land, which only reduced the density from 32 units per acre to 29.17 units per acre on the Site.



MassHousing staff has performed an on-site inspection of the Site, which local boards and officials were invited to attend, then revised the Site in connection with the revised application, and has reviewed the pertinent information from both the original and the revised applications for the Project submitted by the Applicant, and comments submitted by the Municipality and others in accordance with the Comprehensive Permit Rules.

As a result of MassHousing's evaluation of the information that was presented, and the Agency's evaluation of the Site, MassHousing is unable to approve your application for a determination of Project Eligibility. While it is expected that a Project proposal submitted in accordance with the zoning and regulatory relief available under Chapter 40B will differ from the surrounding context in many fundamental ways, the Subsidizing Agency must also address matters regarding the Project's relationship to existing development patterns in the surrounding area. This Site appears to be generally appropriate for residential development and while municipal actions to date have not yet resulted in the production of housing required, "to meet the municipality's need for affordable housing as measured by the Statutory Minima"; nevertheless MassHousing has determined that the conceptual project design for the proposed development is not appropriate for this Site.

The reasons for MassHousing's denial of your applications are as follows:

MassHousing considers the design of the building and the proposed site layout to be inconsistent with the design requirements outlined in 760 CMR 56.04(4)(c) and the related Guidelines dated May, 2013. Specifically:

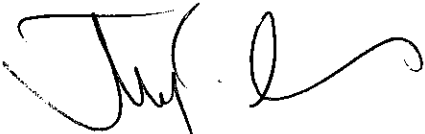
- The proposed apartment structure is inconsistent with nearby existing residential building typology. This is particularly true for the rear portion of the north parcel and the proposed building's relationship to the existing neighborhoods closest to the Site along Joseph Pace Road, John Crowder Road and Dale Street. The applicant's revised site plans do not adequately mitigate the impact of the proposed building's connection to the existing neighborhood from the initial proposal; the Project still fails to make a reasonable transition to this well established residential neighborhood.
- The proposed three to four-story apartment structures are not compatible with nearby structures in terms of height, mass and scale. Building elevations indicate that the proposed buildings (the three proposed buildings range in height from 60' to 77.5' tall depending on the topography of the Site) are at least triple the height of most surrounding 1-2 story structures. The building massing in the original submission was entirely inappropriate for both the Site and its relationship to the adjacent residential neighborhood. While the revised site plan, particularly that of the north parcel, has addressed some of the most glaring impacts to its closest abutters, the overall perception of the massing has not been adequately reduced to make the findings required under the regulations. The proposed massing on the south parcel is not significantly improved by the revised site plans and the presence of wetlands on that portion of the overall development Site is a constraint to a more logical relationship to the Grove Street neighborhood.

- Appropriate density of residential development depends on a number of different factors, and must be reviewed on a case by case basis. In this case, however, it appears that the Project is simply too dense for the lot on which it is located; nearly the entire Site is occupied by the proposed building program and the limited areas for open space are not sufficient to mitigate the project's effective density. While there are no maximum density thresholds, it is advisable to develop at a density that takes some cues from the existing community context. The nearest rental development is the Parc at Medfield which has a considerably lower density of approximately 10 units/acre as compared to the almost 30 units/acre proposed for this Project.
- The site plan does not provide a satisfactory design treatment of the edge between the Site and the surrounding streetscape and does little to enhance the visual quality of the streetscape. The northern and southern building facades face Route 27, which is the principal access to downtown Medfield, and create a poor visual relationship to this adjacent roadway.

In MassHousing's review of any application for Site Approval under Chapter 40B, the Agency does not consider any one factor in isolation. Rather, the site as a whole is considered as well as whether the development proposal is consistent with applicable Regulations and Guidelines. After a thorough review of your application, MassHousing does not find that your proposal is able to meet all of the required findings. Therefore, your application is denied.

If you have any questions concerning this matter, please contact Greg Watson, Manager of Comprehensive Permit Programs, at 617-854-1880.

Sincerely,



Timothy C. Sullivan  
Executive Director

cc: Chrystal Kornegay, Undersecretary, Department of Housing and Community Development  
The Honorable James Timilty  
The Honorable Denise C. Garlick  
The Honorable Shawn Dooley ✓  
Mark L. Fisher, Chairman, Medfield Board of Selectmen  
Michael J. Sullivan, Medfield Town Administrator  
Sarah Raposa, Medfield Town Planner