



TOWN OF BELMONT

OFFICE OF THE SELECT BOARD
455 CONCORD AVENUE
BELMONT, MASSACHUSETTS 02478

selectboard@belmont-ma.gov

455 CONCORD AVENUE
BELMONT, MA 02478-2573
PHONE (617) 993-2610
FAX (617) 993-2611

SELECT BOARD

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July 14, 2020

By email (jmalcolm@masshousing.com) and hand delivery

Jessica Malcolm
Acting Manager of Comprehensive Permit Programs
MassHousing
One Beacon Street
Boston, MA 02108

Re: 91 Beatrice Circle, Belmont, MA
Site Approval Application

Dear Ms. Malcolm:

Thank you for the opportunity to comment on the Chapter 40B Site Approval Application (the "Application") filed by Comprehensive Land Holdings, LLC (the "Developer") for the property located at 91 Beatrice Circle, Belmont, MA (the "Project"). Thank you also for the extension of the period to submit these comments, which allowed the Belmont Select Board to gather more input from the community about this proposal.

The Belmont Select Board discussed this matter in public meetings on June 1 and June 22, 2020. We heard from many abutters and town residents who described the significant negative impact the Project would have on the neighborhood. After considering the materials presented by the Developer, comments from town staff, and the input from the public, we have concluded unanimously that the best interests of the Town require us to oppose the Application in its current form. We respectfully request that MassHousing decline to issue a Site Eligibility Letter.

The Select Board—reflecting the Town of Belmont as a whole—strongly support creating additional affordable housing. The Town has devoted significant planning and financial resources towards increasing the supply of quality, well-designed affordable housing and Belmont is well on its way to meeting the 10% affordability goal under Chapter 40B. The Project, however, does not align with these efforts. Instead, it would squeeze not one, but two, apartment complexes containing a total of 56 bedrooms and parking for 26 cars on one lot in a

single-family non-commercial neighborhood. There is almost no usable open space. This extraordinary density creates an extraordinary set of problems. Without significant changes to the proposal, the Select Board cannot support the Project.

We now explain in greater detail the basis for our opposition to the Application.

I. The Application Does Not Establish that the Applicant Is an Eligible Entity.

The Department of Housing and Community Development's ("DHCD") regulations governing Site Approval/Project Eligibility Letters require that applicants be "a public agency, a non-profit organization, or a Limited Dividend Organization ["LDO"]." 760 C.M.R. § 56.04(1)(a). The Application (PDF p. 24) identifies the applicant as Comprehensive Land Holdings, LLC. But there is no representation that Comprehensive Land Holdings, LLC is an LDO. Instead, the applicant is evidently a for-profit real estate development and investment company.

The Application states (PDF p. 60) the Developer will transfer a 40B permit, if granted, to another entity "91 Beatrice Circle, LLC," which is stated to be an LDO. But the Application provides no verification that 91 Beatrice Circle, LLC is an LDO. Then, confusingly, the Application (PDF p. 146) appears to indicate that 91 Beatrice Circle, LLC is the applicant.

Before granting Site Approval, MassHousing should require proof that 91 Beatrice Circle, LLC is an LDO.

II. The Application Does Not Provide Required Information.

DHCD's regulations governing Site Approval further state that applications "shall include":

(c) a locus map identifying the site within a plan of the neighborhood, accompanied by **photographs of the surrounding buildings and features that provide an understanding of the physical context of the site;**

...

(h) **a narrative description of the approach to building massing, the relationships to adjacent properties,** and the proposed exterior building materials....

760 CMR 56.04(2) (emphasis added).

These required submissions are missing or incomplete and misleading.

The Application includes some photographic views from and of the Property (see Application at PDF pp. 56-67), but they do not provide an adequate "understanding of the physical context of the site." In particular, there are no photographs from or of the properties that abut the Project to the south. These single-family homes—located downhill from the Project site—are the likeliest to be harmed by a tall and unbroken building wall in the setback of 91 Beatrice Circle with

dimensions that rival the Green Monster in Fenway Park. The photographs and sketches of Frontage Road and the neighborhood were chosen to show a wooded area with no traffic when in reality abutters are in close proximity and the traffic for much of the day is high-speed and intense.

The Application's cursory project narrative (PDF p. 85) has similar deficiencies. The claim that the development would be "integrated" into "the existing features of the site" is contradicted by the reality that the plan includes leveling the site by approximately *ten* feet. The discussion obscures the massing, height, and encroachment of the structure ten feet from the rear property line. Further, asserting that the townhouses will be "in keeping with the adjacent residential context" is contradicted by expressing simultaneously the intent to look like "[apartment] developments happening along the Concord Turnpike corridor." We disagree that multi-family uses are "in close proximity" (PDF p. 9), which suggests the development would be an insignificant alteration in the character of the neighborhood, when in fact the nearest referenced multi-family building is more than a mile away.

The importance of a sufficiently detailed locus map and accompanying narrative from the Developer is evident from the following illustration, which we made by superimposing an image of one of the plot plans in the Application on the Town's GIS map of the immediate neighborhood:



The map makes the extreme density on the site obvious. We have also computed an index to assess density by calculating the total square footage of the lot divided by the total number of bedrooms. A lower index value indicates a denser development. Overall, the Project is far denser than other recently completed or proposed 40B projects. For example, the index value for 91 Beatrice Circle is only 420 square feet per bedroom (23,496 square feet divided by 56

bedrooms), compared to a value of 1,281 (41,307 square feet divided by 32 bedrooms) for 3 Burke Lane in Wellesley. That is, the Project is more than three times denser than Burke Lane. The proposed development exceeds the density of many other projects in suburban settings by factors approaching 500%. The density index supports our position that the Project is extreme, unreasonable, and inequitable.

III. Unsuitability of the Application under 760 CMR 56.04(4).

To approve a Site Application, DHCD's Regulations (760 CMR 56.04(4)) require, among other factors:

(c) that the conceptual project design is generally appropriate for the site on which it is located, taking into consideration factors that may include proposed use, conceptual site plan and building massing, topography, environmental resources, and integration into existing development patterns (such finding, with supporting reasoning, to be set forth in reasonable detail);

The Application is not appropriate for the site. It ignores or glosses over obvious and serious problems that must be addressed in an acceptable development plan.

Belmont is committed to enabling affordable housing development in quantities, formats, and locations that make sense. Belmont adopted an Inclusionary Zoning by-law in 2013 (Zoning By-Law § 6.10). Belmont's SHI percentage is currently 6.53% (661 units), which is an increase of 298 units since 2017. In the near future, we anticipate adding over 130 units from projects both nearing completion and soon to be underway.¹ The SHI includes units ranging from apartment buildings to duplex townhouses. We have an approved Housing Production Plan that details production goals and strategies. The Application is at cross-purposes with the thoughtful and productive efforts by Belmont to increase the SHI.

The current design contains significant health and safety risks and is based on compromised design standards.

The Belmont Fire Department is concerned that the constricted driveway would prevent access by fire apparatus and instead require ground ladders that are unsafe or even infeasible to serve a structure over 41 feet tall. The Application does not explain how trash and recycling or snow would be handled on such an over-built site and there is no mention of number of receptacles or visual screening. The west side includes construction of a new retaining wall *ten* feet high and about 40 feet long, creating a major cliff hazard for much of the limited open space.

¹ Two projects currently under construction – The Bradford in Cushing Square and 495-505 Trapelo Road – will add 15 affordable units by the spring of 2021. In addition, the Planning Board is bringing a proposal to a town meeting this fall that would allow approval of a 150-unit development at the McLean Hospital site, adding another 116 units to the SHI.

The Application admits (PDF p. 10) the existence of significant ledge and slope on the site. The project would have a significant impact on stormwater runoff but the Application states an intent to request a waiver from Belmont's Stormwater Bylaw, which enhances the Mass DEP requirements by, among other things, requiring management systems be designed utilizing up to date rainfall data which more accurately reflects the impacts of climate change on rainfall volume and intensity. The Applicant's development project should conform to the requirements of the Town of Belmont Stormwater Management and Erosion Control Bylaw.

The Project is also inappropriate in its neighborhood context. We understand that 40B projects may not comply with applicable zoning dimensional limits. But this proposal is a wholesale evisceration of the zoning in the neighborhood. 91 Beatrice Circle is not a large parcel. The abutting lots average only about 12,000 square feet and are not large enough to mitigate the impacts. The Application's table of waiver requests (PDF pp. 86-88) does not indicate the intended extreme departure of the Project from the dimensional and other requirements of Belmont's Zoning By-Law. For example, the front setback would be 8 feet instead of 30 feet. Instead of a rear setback of 40 feet, the South townhouses would be as close as 10 feet to the property line. The rear setback with the waiver would be all the more disruptive to the neighbors because this narrow and virtually inaccessible strip behind the building is supposed to contain the main entrances to the units. As mentioned earlier, the South townhouses amount to a Green Monster facing the neighbors. In total, the Application requests 14 different zoning waivers.

The problems with the Project's encroachments in the setback areas are amplified by the steep slope of the lot. The Application proposes extensive site grading that requires construction of long retaining walls and removal of many mature trees that provide some visual screening to abutting properties. The plot plans in the Application, as well as site visits we have made, make it clear that the 29 percent usable open space calculation is misleading. The remaining unbuilt/unpaved space would be mostly unusable. When one considers the number of children likely to live there, given 56 bedrooms, the lack of open space for them is all the more objectionable.

Traffic raises additional concerns. The crest of Frontage Road immediately to the west of 91 Beatrice Circle limits visibility and heightens the danger that would result from an increase in vehicular and pedestrian activity at that location. The sightlines from the driveway entrance are poor. Children would face significant risks when walking to school (more than a mile away) or biking on Frontage Road, which is essentially a high-speed on-ramp for Route 2. The nearest park is in the next town (Arlington), requiring children to cross two busy access roads and a pedestrian footbridge over Route 2. There is no bicycle accommodation in the plan. Parking is not allowed on Frontage Road for obvious safety reasons, which exacerbates the failure of the Project to include parking for deliveries, service vehicles, and visitors.

Frontage Road in normal conditions (i.e., without Covid-19) is already an intimidating challenge for pedestrians. Any higher density at 91 Beatrice Circle should include upgrades at the access road to improve ingress/egress from the project site, a safe sidewalk system along the roadway for all seasons (snow piled onto the limited sidewalk from plowing Frontage Road is already a

significant problem), adequate room and shelter at the T bus stop, and measures aimed at mitigating speeding traffic on the access road.

The scale and massing of the Project, the height, the setbacks, the shape and form, and façade design all conflict with the abutting properties. These factors do not comport with the basic design criteria we understand are expected in a 40B development.

IV. The Application Fails to Demonstrate Compliance with the Commonwealth's Sustainable Development Principles.

The proposal includes a required “self-assessment” for consistency of the project with the Sustainable Development Principles promulgated by the Commonwealth. (Application pp. PDF 33-39). Meeting a minimum of five of the Principles shows consistency, but the Application partially satisfies only three of the criteria and even for these only in very limited ways. Some of the assertions in the self-assessment are incomplete or misleading. We discuss them in order, as follows.

1. Concentrate Development and Mix Uses

Not satisfied or irrelevant to the project. To be sure, the Project would increase the density at on this parcel, but it will not advance the objectives of revitalizing a town center, mixing uses, or creating a pedestrian friendly district. As discussed above, the location is actually a danger for pedestrians. The Application’s explanation that the Project would create rental townhomes “in a town that is largely composed of single family residences” is not true: the majority of the housing units in Belmont is already multi-family (two- or three-family buildings and larger apartment buildings).

2. Advance Equity and Make Efficient Decisions

Not satisfied or irrelevant to the project. For the reasons explained in this letter, the Project does not promote equitable sharing of the benefits and burdens of development. Regarding the “Efficient Decisions” criterion, the development is not in accordance with smart growth and environmental stewardship. The Application states that the Project would lead to an “environmental cleanup and/or neighborhood improvement in an Environmental Justice Community.” There is no evidence for this bewildering claim.

3. Protect Land and Ecosystems

Not satisfied or irrelevant to the project. The proposal makes no claims in this area. As already discussed, it is a negative for tree cover, stormwater control and runoff, and regrading to remove ten feet of soil.

4. Use Natural Resources Wisely

Not satisfied or irrelevant to the project. The proposal makes no claims in this area. Indeed, the project is silent on reducing waste and pollution through efficient use of land, energy, water, and materials. Moreover, as already discussed, there is no discussion of management of trash and snow removal or recycling.

5. Expand Housing Opportunities

Satisfied in part. The proposal would create more housing units, but not in ways recommended by Belmont's approved Housing Production Plan. The Housing Production Plan identifies a goal of mass transit-oriented development and development of underused industrial sites. The Sustainable Development Principles call for building homes near "jobs, transit, and where services are available." The Project site, in a single-family neighborhood more than a mile from Belmont Center, fits none of these design goals. To the contrary, the Project does not conform to basic 40B design principles.

6. Provide Transportation Choice

Satisfied in part. The proposed development is near a bus stop that goes to the Alewife MBTA station. But the number of cars on the site would increase from two to 26. The Applicant's vague statement that it "may incorporate" car/ride-sharing opportunities does not provide choice. The Sustainable Development Principles call for designs that reduce congestion, conserve fuel and improve air quality, and *prioritize* rail, bus, boat, rapid and surface transit, bicycling or walking. These features are absent in the proposal.

7. Increase Job and Business Opportunities

Not satisfied or irrelevant to the project. The Project would not promote economic development in industry clusters or expand access to education, training, and entrepreneurial opportunities. Nor would the Project support the growth of local businesses. The Application's check-off that the Project would create "permanent jobs" is completely unfounded.

8. Promote Clean Energy

Not satisfied or irrelevant to the project. Use of Energy Star appliances is expected in all new construction in the climate change crisis. Otherwise the Application disappoints with nothing to offer with regard to clean energy. Evading this critical issue by saying "sustainability will be explored when the project is further along" reveals a disturbing lack of attention to Sustainable Development Principles and environmental stewardship.

9. Plan Regionally

Satisfied in part. The proposal offers no evidence to support the claimed *measurable* public benefit other than the tautology that it is a 40B proposal. As explained above, it is at odds with Belmont's approved Housing Production Plan.

V. *A Revised Project Could Further Belmont's Significant Progress Towards Meeting Its Affordable Housing Goals.*

Belmont has made great progress in increasing its stock of affordable housing and is constantly seeking to do more. Our concern is that the Project disregards a great many design standards and site-specific conditions in an apparent effort to maximize profits, with a token nod to the design principles of 40B and the Sustainable Development Principles.

We are not opposed to a 40B development at Beatrice Circle. But cramming 56 bedrooms and 26 cars onto a modest single-family lot is unreasonable. We would be pleased to work with the developer to arrive at a more suitable plan. This requires first and foremost significantly less density and more truly usable open space.

The Select Board respectfully urges MassHousing to reject the Application or deny a determination of Project Eligibility for this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Roy Epstein", with a long horizontal flourish extending to the right.

Roy Epstein
Chair, Town of Belmont Select Board