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September 1, 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 supplement to the Chapter 40B Site Approval Application (the "Supplement") filed by Comprehensive Land Holdings, LLC (the "Developer") for the property located at 91 Beatrice Circle, Belmont, MA (the "Project"). We have analyzed the Supplement carefully from a variety of perspectives. I am a PhD economist and my two colleagues on the Belmont Select Board are a highly experienced business lawyer and a senior executive in a major start-up. Our team included the Belmont Town Planner, the Director of Community Development, the Fire Chief, and the Town Administrator.

The Supplement describes a small reduction in the size of the Project. This reduction, as we will explain, is minor. The fundamental problems due to excessive density, massing and height, lack of usable open space, and lack of access for emergency services that we explained in our July 14 letter remain. The changes proposed in the Supplement do not cure these problems and also raise new issues, particularly in the area of fire response, suppression, and rescue.

The Belmont Select Board discussed this matter in a public meeting on August 24, 2020. Many abutters and town residents expressed their views. The overwhelming opinion from the public is that the changes to the Project do not meaningfully address their original concerns. The Select Board agrees unanimously that the best interests of the Town require us to oppose the revised Project and we again respectfully request that MassHousing decline to issue a Site Eligibility Letter.

We have tried not to repeat the comments in our July 14 letter, which we incorporate by reference. Those comments, including the significant traffic and pedestrian issues on Frontage Road, remain valid. Our focus in what follows is on what has changed with the Supplement.

I. Project Revisions Unsuitable Under 760 CMR 56.04(4).

a. Density

The density is still excessive. A side-by-side comparison shows the similarity of the design in the Supplement to the original Project:



It would be a great mistake to think that with 12 units in the revised plan, the Project is 25% smaller than the original 16-unit concept. The unit count has gone down but the average bedrooms per unit has gone up. Density is driven by the number of people living in the development, and the number of bedrooms was reduced by only 15%. Moreover, the plans indicate occupancy by up to 96 people in 48 bedrooms (PEL Submission, Drawing A500, where each bedroom is shown with a bed for two people). Such density in this neighborhood is extreme, unreasonable, and inequitable.

The bedroom count still makes the development exceedingly dense compared to other 40B projects in suburban settings. We presented a density index (lot size divided by number of bedrooms) in our July 14 letter, where a lower value indicated a denser project. The revised index value for the Project is 490 (23,496 square feet divided by 48 bedrooms), compared to a value of 1,281 (41,307 square feet divided by 32 bedrooms) for 3 Burke Lane in Wellesley. The Project is still nearly three times denser than Burke Lane and it still grossly exceeds the density of many if not nearly all other 40B projects in suburban settings.

We stress the need to use the number of bedrooms instead of number of units as the metric when analyzing the density of the Project. Every unit in the revised Project has four bedrooms. By comparison, we have reviewed 20 other recent 40B projects in nearby towns and found the average unit size was less than two bedrooms. We found just a single project (236 Auburn St., Newton) that had any four bedroom units and the density index for that project was 1,440, so that

the Project would again be nearly three times denser. Comparability requires the number of bedrooms to be taken into account.

b. Massing and Height

The Developer apparently acknowledges the “Green Monster” problem along the rear property line we emphasized before. In the revised narrative, the wall of 3 BR townhouses is changed to four “two-story, single family detached units.” These “units” are actually separate 1,800 square foot 4 BR houses spaced just 5 feet apart (Supplement, p. 10; Site Plan, “Proposed Layout”).

The alignment of the four houses parallel to the rear property line remains about the same, with the rear setback as narrow as 10 feet although the applicable zoning calls for at least 40 feet.

The overall length of the nearly unbroken line of houses is over 125 feet. The modified Green Monster is still overwhelmingly massive and too close to the rear property line.

The townhouse building along the front property line is 41.5 feet tall (4 stories) and over 125 feet long. This giant would loom unreasonably over the neighbors (where the zoning allows a maximum height of 36 feet (2.5 stories)). This height creates serious problems for fire and rescue, as discussed below.

The Supplement fails to include renderings from the perspective of any abutter to show sight lines, shadowing, and screening. Instead of providing relevant renderings to prove the point, the Narrative makes the unsupported and seemingly ludicrous claim that the height and massing are “harmonious” with the single-family neighborhood.

c. Non-Compliant and Unsafe Dimensions

The separation between the 4 BR houses is only 5 feet. If they were on individual lots, the applicable zoning at Beatrice Circle would call for separation of 30 feet (i.e., a side setback of 15 feet). Even in the most densely settled parts of Belmont, the minimum allowed separation would be 20 feet. We are not aware of any zoning code in Massachusetts where 2.5 feet (i.e., half the separation) would be allowed as a side setback.

As mentioned above and in our July 14 letter, the rear setback is as narrow as 10 feet, compared to the zoning requirement of 40 feet. The front setback is just over 8 feet (Site Plan, “Proposed Layout”), compared to zoning of 30 feet.

Nowhere does the Supplement mention the magnitude of the deviations from the applicable zoning. The deviations are not only obviously extreme, they are unsafe.

The small proposed setbacks and narrow building separations are safety hazards that impede the ability to fight a fire and perform emergency rescue, as discussed further below. Zoning

dimensions are not mere esthetic choices. They have important safety and functional purposes that are defeated by the almost negligible dimensions assumed for the Project.

d. Open Space

Usable open space in the revised plan is now claimed to be 33 percent, compared to 29 percent originally. But the calculation is very misleading. Our analysis of the previous plan also concluded that there was almost no usable open space despite the Developer's calculations.

Even with the revised grading plan, the western end of the central drive again terminates in a high retaining wall. This makes the side setback both inaccessible and unsafe, creating a condition that we previously described as a cliff hazard.

The 8 unit/32 bedroom townhouse structure has essentially zero open space. The units are surrounded by the driveway and a walkway with steps that fills the space to proposed retaining wall on the north property line (Site Plan, "Proposed Layout"). The row of 4 houses/16 bedrooms has a narrow open strip separating it from the rear property line.

A significant fraction of the eastern end of the parcel is a steeply sloped thicket, again cut off from the rest of the Project by a proposed retaining wall. It is not appropriate for the Developer to treat this inhospitable buffer as usable open space. We assume their open space calculation improperly includes the buffer because unusable open space is stated explicitly as zero (Supplement, p. 10).

A recalculation indicates truly usable open space is approximately 6 percent, not the 33 percent claimed in the Supplement. The existing house at 91 Beatrice Circle was probably intended for a family with three children. The revised Project could include up to 72 children (i.e., 48 total bedrooms less 12 master bedrooms, but each bedroom is shown for two people). The Developer touts the intent (Supplement, p.4) to provide "housing options for families." A development with so many children should include a suitable play area. Instead, yard space is less than one might find for a building in the most urban environment. Moreover, the available open space would be accessible only to the four houses, with nothing for the residents of the eight townhouses.

e. Parking

Surface parking is reduced in the revised plan from 10 spaces to just 8. We previously explained that the parking was inadequate and that parking is not allowed on Frontage Road at any time. The parking remains inadequate for such dense development.

The revised narrative fails to mention that the parking lot has been pushed even further into the rear setback area. Before, the parking lot stopped 20 feet from the rear property line. Now it is only about 6 feet away. There is an odd notch in the parking lot that comes to within about 3 feet of the rear property line, which makes us concerned that the Developer plans to put dumpsters

there, with attendant noise from garbage trucks, although the Supplement continues to remain silent on the plan for trash handling.

f. Emergency Vehicle Access

Because fire and ambulance response is an overriding concern for a development containing so many buildings and so many residents, we present the preliminary assessment of the Supplement by the Belmont Fire Chief in more detail than we did in our July 14 letter. In some respects, the fire safety situation in the Supplement is worse than the original Project.

The Supplement states “Traffic and site analyses also indicate that emergency vehicles will be able to effectively access the project” (Project Narrative). The Fire Chief does not agree. He is not aware of any such analyses by the Developer and his own review of the plans identifies serious concerns in a number of areas.

Examples of unanswered questions about emergency access include:

- i. The turning radius into the property is too tight and cannot be made without making a risky turning maneuver from the left travel lane of Frontage Road. Remediating this issue would require changes to land that the applicant does not own or control.
- ii. The site plan does not provide enough information to evaluate issues such as elevation changes, turning radius, and other access-related factors. Access is made more complicated by the existence of a compound grade: Frontage Road is a downgrade but the entrance driveway is both a steep upgrade (14.3%) and a turning movement. Evaluating these factors is critical for assessing the ability to respond to an emergency at the Project. The importance of a properly designed entrance was highlighted in 2019 when the Belmont Fire Department’s ladder truck became disabled on a call. When trying to enter a property with a poorly graded and angled driveway, the fuel tank was ripped from the vehicle.
- iii. There is insufficient room on the property for all the vehicles dispatched on the typical emergency call. On a medical call, we usually send two vehicles: an engine or a ladder truck, and the ambulance. There may be additional police vehicles. The fire truck would have to stay on Frontage Road to allow Rescue (ambulance) access onto the property. Apparatus would have to “stage” on Frontage Road and access the property in an orderly process if there was a fire. This causes significant delay and jeopardizes life and property. The Ladder Truck is usually the most critical piece of apparatus which needs to be "placed" at a fire scene. If either too far away or too close, it will be useless. In most cases the Ladder Truck is not the first piece of apparatus to arrive so the equipment arriving first would be required to stage before the arrival of the Ladder

Truck, thus delaying the attack on the fire. Apparatus will need to be parked on Frontage Road but the cars cresting the hill will not have an adequate line of sight to that location, causing a major safety concern.

- iv. Fire apparatus will not be able to turn around in the narrow central corridor and would have to back out onto Frontage Road to exit. This would be dangerous for the firefighters and the traffic that comes down the hill at a high rate of speed.

The non-compliant front and rear setbacks and the narrow separation between the 4 BR houses are of great concern to the Fire Department because they interfere with deployment of personnel and equipment in an emergency. In general, firefighting requires safe access to 2 sides of the building. As proposed, safe two-sided access is possible only for the structures on the east end.

In terms of actual fire suppression, the Project went from all residences requiring fire sprinkler protection to only the townhouses requiring automatic sprinklers. Should there be a fire in one of the houses, the limited access and close proximity create risk that the fire will spread to the other structures. Siding the buildings in a material like natural cedar plank (Site Plan, Exterior Elevations A203) amplifies our concern with the minimal building separation that a fire can easily jump across houses. At least two recent examples (in Peabody and Wilmington) resulted in total building loss in these conditions.

A fire on the site that is not contained in its incipient or early stages could spread to the adjacent structures including neighboring houses. Additionally, the constrained access provided on the site is compounded as the neighboring properties do not provide appropriate or alternate access options to the Project.

Because there is no access to the front, the rear, or the western side of the development by ladder truck, ground ladders would be required in a fire. However, it appears there is not sufficient spacing between the 4 BR houses to allow ground ladder access between the structures. As for the townhouses, which are four stories and 41.5 feet high, we do not have long enough ground ladders or the personnel to deploy them. The front setback is probably too narrow (compounded with the retaining wall, dense shrubbery and sharp drop-off to Frontage Road) to allow ground ladders to be set up there, anyway. There will be portions of the building where rescue may not be possible.

Overall, the ability of fire and ambulance vehicles to access the site in an emergency when time is of the essence is problematic. Even if the access problems could be solved, there is not sufficient room for safe firefighting operations, given the placement of the structures and the narrowness of the setbacks.

g. Site Slope

The revised plan claims to have “reduced the grade of the entry drive” (Project Narrative). This is not true. The grade of the entry drive and walkway to Frontage Road remains very steep at 14.3% (Site Plan, Proposed Grading), as on the original plan. This slope is a particular problem not only for access by emergency vehicles but for the children and elderly residents trying to get to the sidewalk or bus, especially with snow and ice in the winter.

The site grade is no longer “lowered to elevation 224” as in the original plan. The new plan has a rising slope to the west. But the central corridor still terminates in a high retaining wall that appears to be at least 6 or 7 feet high (the specific top of wall height is not indicated on the plan).

An enormous amount of earth and ledge will still be disturbed and removed. The retaining wall still makes the side setback unusable for open space purposes. The retaining wall also makes it impossible for fire apparatus to access the structures from the west side of the property.

h. Stormwater Management

The revised plan evidently makes some changes to the design of the stormwater management system. But the Supplement does not indicate any change in the Developer’s original intent to request a complete waiver from Belmont’s stormwater management and erosion control bylaw. As we explained in our July 14 letter, the Belmont bylaw is based on more recent and more accurate climate data than used in the Mass DEP standard. The Project should be required to conform to the Belmont bylaw.

i. Increased Rents and Deficient Bedrooms

The Supplement includes a 19 percent increase in the rents for the three affordable units. The revised monthly rent is \$2,587 with a utility allowance of \$406. The rent for an affordable 4 BR unit in the original Project was \$2,181 with the same utility allowance. There are no upgrades with the higher rent.

We question whether the fourth bedroom in townhouse units 1-4 is code compliant. This room has no windows due to being below grade (PEL Submission, Drawing A500). Moreover, as a bedroom the actual usable space appears to be less than 100 square feet because of swing from the room and closet doors. This is very cramped, especially because the plan shows a bed for two people. The same room in townhouse units 5-8 is only 80 square feet. These spaces are shockingly small for such a high rent and indicate they are designed to a minimal standard for bedrooms.

II. Critical Problems Remain Unaddressed.

a. Traffic and Pedestrian Hazards

Frontage Road (incorrectly labeled Hinckley Way on some of the plans) is a heavy traffic high-speed on-ramp for Route 2. Our July 14 letter explained some of the many formidable hazards on Frontage Road that would arise from the substantial increase in density on the site. The original application and the Supplement fail to address any of these problems.

Further analysis will no doubt identify other traffic management hazards. The driveway will be its own traffic jam when 20 cars queue up out of the garages and parking spaces for a dangerous exit onto Frontage Road, with pedestrians and children trying to cross the driveway entrance at the end of the steep walkway in order to get to the bus stop or to school. Snow banks and ice during winter will make this congestion even more treacherous.

b. Trash, Recycling, and Snow Management

Neither the original application nor the Supplement addresses how trash and recycling or snow removal would be handled on such an over-built site. There is still no indication on the plans where dumpsters would be located, how many would be used, how they would be screened, or how trucks would service them. Noise from garbage trucks maneuvering deep into the site instead of remaining on the street, and which may be scheduled for multiple weekly pick-ups, could well become an intolerable burden on the neighbors. There is no room to store snow and snow banks would greatly impede visibility and room for people and vehicles.

c. Removal of Mature Trees

The revised plan calls for removal of at least 5 mature trees that provide critical screening to abutting properties. It provides nothing to support the claim that there will be an “expansive and carefully curated landscape plan” (Project Narrative).

d. Failure to Satisfy Sustainable Development Principles

The Project manifestly violates the Sustainable Development Principles (“SDP”). It does not reuse existing structures, it does not create a pedestrian friendly district, and it does not mix recreational activities with open space. It includes no renewable or green energy features.

The Supplement makes no attempt to rebut any of the criticisms regarding SDP we made in our July 14 letter. For example, the design does nothing to reduce congestion, conserve fuel and improve air quality, and prioritize rail, bus, boat, rapid and surface transit, bicycling or walking. The design relies on traditional use of private cars using Route 2 for “quick vehicular transportation to Boston” (Project Narrative).

In addition, regarding public transportation, the Supplement (p. 4) repeats the misleading statement from the original application that an “MBTA bus station” is adjacent to the site. There

is no station. A pole in the sidewalk near the driveway, completely exposed to the weather, serves as a bus stop. There is also a misleading assertion that "five area MBTA lines" stop there (Project Narrative), as though Frontage Road were some kind of regional transit hub. There are only two bus routes (78 and 62/76, which is a combined service), one terminates at Alewife and the other at Harvard Square.

e. Misleading Renderings

The Supplement continues to use idealized photographs and sketches to create the misleading impression that the site is virtually in a deserted area. For example, the photograph labeled "View of South Neighboring Site" is really to the east and the abutting house to the south is not shown at all (PEL Submission, Drawing A002). The photographs of Frontage Road (misabeled Hinckley St.) do not show a single car.

III. Belmont is Willing to Work with the Developer.

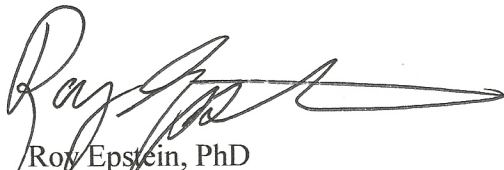
Belmont has a demonstrated willingness and ability to help bring well-conceived affordable housing projects to fruition. For example, as we told you last month, we expect our September Special Town Meeting to approve a large Local Initiative Program project at McLean Hospital. This culminates a process of positive engagement with the developer and will bring many benefits to the new residents, the Town, and the developer. We would be pleased to work on revisions with the Developer to arrive at a mutually acceptable plan for 91 Beatrice Circle.

The design in the Supplement is not acceptable using established design criteria or common sense. The extreme density, massing and height, and lack of usable open space are grossly inappropriate. Cramming 48 bedrooms, 20 cars, and potentially 96 people onto a modest single-family lot is unreasonable, an unfair imposition on the neighbors, and irresponsible by not allowing effective access by emergency services and by creating traffic hazards. In addition to these site-specific problems, some bedrooms in the townhouses may not be code compliant and are as cramped as a tenement from a bygone era.

The Project does not treat either the tenants or the neighbors with respect. Residents in the affordable units in particular deserve better when asked to pay \$2,587/month.

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

Sincerely,



Roy Epstein, PhD
Chair, Town of Belmont Select Board