

The Waltham City Council hereby registers its opposition to the proposed project, and offers the following comments:

The Waltham City Council respectfully requests that the Waltham Zoning Board of Appeals (ZBA) determine if Waltham meets the General Land Area Minimum (1.5% of total land area) in accordance with Chapter 40B section 20 and 760 CMR 56.03 (b) and, in the alternative, if recent progress in accordance with 760 CMR 56.03(3)(1)(c), 56.03(5) has been made in the creation of Subsidized Housing Inventory (SHI) eligible housing units within the 12 months prior to Comprehensive Permit filing, in order to achieve a "Safe Harbor" under the Comprehensive Permit Law.

The site, 341 Second Avenue, is located in a Commercial Zoning District that has been planned and developed for non-residential (business and commercial) uses and is not an appropriate area for a residential use, and certainly not for a residential structure of 195 units, as proposed, consisting of 30 studio units, 67 one bedroom units, 78 two bedroom units, and 20 three bedroom units.

The proposal has a residential density of just over 109 units per acre that is over three times (3X) the maximum density allowed by-right anywhere in the City of Waltham, almost double (2X) the maximum density allowed by special permit anywhere in the City of Waltham and, as such, is excessive.

The proposal has Floor Area Ratio of 4.2 which is excessive given that the maximum Floor Area Ratio in downtown by Special Permit is only 2.5.

The applicant is seeking the waiver of requirements under Section 35.3 of the Zoning Ordinance. The requirements under that section are considered necessary to meet the local concerns for any development in the City of Waltham and should be reviewed and not waived by the ZBA.

The parking proposal claims 233 parking spaces on site, but 36 of the spaces are tandem spaces which, if not included, means that there are only 197 spaces for 195 units - which is not adequate in an area with limited public transportation. The only bus route that goes by the site is Route 170 which is an express service which only has 2 trips in the morning and 2 in the evening rush hour Monday to Friday and no weekend service. In addition the plans reference an additional 6 on-street parking spaces proposed on Second Avenue. It is important to note that the HANDBOOK: APPROACH TO CHAPTER 40B DESIGN REVIEWS Prepared for: Massachusetts Department of Housing and Community Development, Mass Development, Mass Housing, and Massachusetts Housing Partnership states that "Individual parking spaces should be designed, maintained and regulated so that no parking or maneuvering incidental to parking is on any public street or sidewalk and so that any automobile may be parked and un-parked without moving another automobile." The City Council concurs that the

tandem spaces and the public spaces should not be considered as appropriately designed or useable parking spaces and that again the 197 spaces are not sufficient for this type of development in this area.

The proposal indicates a sidewalk on Second Avenue will be constructed, but a close review of the plans show that the sidewalk on Second Avenue will be interrupted by the six (6) on-street parking spaces and will turn into a walkway on the site. Sidewalks should be provided in the public right of way because the area is not designed or planned for residential development and sidewalks are needed if this residential development is approved.

The proposal indicates an outside play area which, given the lack of play areas in this non-residential area of the City, would be needed. However, the proposed play area does not appear to be adequate for the 195 units and more specifically for the children that can be expected to reside in this development.

The applicant seeks a waiver of a new sign permit. If this is granted, the ZBA should review and approve any proposed sign.

The applicant is seeking waiver of the Sewer Permit and the Infiltration and Inflow Mitigation Fees. The City Council asks the ZBA to reject these requests.

The applicant seeks a waiver of the Stormwater Management Permit. If this is granted the ZBA should review and approve a Stormwater Management Plan for the proposal.

The City Council also asks that the ZBA to review all waivers requested and any additional requests that may be made in this process to make sure that all local concerns are adequately addressed.

The ZBA should consider hiring a peer review consultant, at the petitioner's expense, to review various parts of the proposal.

Finally, where the developer is proposing a 30 year deed restriction on the affordable units the ZBA, if it approves this development, should require that the deed restrictions be permanent.