



March 1, 2024

**BY ELECTRONIC MAIL ONLY: [ayogurtian@belmont-ma.gov](mailto:ayogurtian@belmont-ma.gov)**

Belmont Zoning Board of Appeals  
Homer Municipal Building, 2nd Floor  
19 Moore Street  
Belmont, MA 02478

Re: Application for Comprehensive Permit – 91 Beatrice Circle, Belmont

Dear Members of the Board:

This firm represents neighbors and abutters to the proposed 12-unit Chapter 40B project at 91 Beatrice Circle in Belmont (the “Project”). When this Project was initially before the Board in 2020 to 2021, we provided the Board with extensive comments about our concerns with the Project’s impacts on surrounding properties and failures to address public safety issues, including problems with stormwater runoff and infiltration, excessive massing and overuse of the site, shadow impacts on surrounding homes, noise from numerous air-conditioning compressors, the likely destruction of trees on our clients’ properties, lack of access to open space and other amenities in Belmont, and also traffic and pedestrian safety problems associated with Frontage Road, which is an access ramp to Route 2. With this letter, I am re-submitting our July 28, 2021 correspondence to the Board (as Exhibit A), both to update new Board members on our many concerns with the Project, and because almost all of our prior comments remain unaddressed under the new proposed plan revisions.

Following the Board’s October 13, 2021 approval of the Project with conditions, the Applicant appealed the Board’s decision to the Massachusetts Housing Appeals Committee (the “HAC”). This matter is now on remand to the Board as part of a potential settlement between the Applicant and the Board, but that settlement does not include the neighbors to the site.

As part of the HAC proceedings, our clients hired a traffic engineer, David Black, a professional land surveyor, Alfred Berry, and a third-party traffic counting firm, Accurate Counts, Inc., to submit sworn testimony analyzing traffic safety conditions related to the Project’s driveway on Frontage Road. With this letter, I am filing copies of their initial pre-filed testimonies at HAC (as Exhibits B, C and D, respectively), for the Board’s consideration.<sup>1</sup> As the Board is aware, Frontage Road is a two-lane, one-way service road and on-ramp to Route 2 eastbound, where traffic vehicle speeds have been measured at 50 miles per hour. Mr. Black’s testimony evaluated whether the Project has sufficient Stopping Sight Distance for vehicles

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<sup>1</sup> There were additional extensive pre-filed and rebuttal testimonies filed by all parties at HAC, which can be provided upon request.

traveling on Frontage Road, and also Intersection Sight Distance for vehicles exiting the Project driveway, to comply with American Association of State Highway and Transportation Officials (“AASHTO”) traffic safety guidelines. Exhibit B, ¶¶ 2, 5. Stopping Sight Distance (“SSD”) assesses the distance a driver on Frontage Road must be able to see to avoid a collision with a vehicle exiting the Project driveway onto Frontage Road. Exhibit B, ¶ 6. Intersection Sight Distance (“ISD”) assesses the distance a driver *exiting* the Project driveway must be able to see approaching vehicles, without their line of sight being obstructed, to make a safe judgment regarding entering Frontage Road. Exhibit B, ¶ 7. Mr. Black’s analysis determined that given the 50 MPH speeds recorded on Frontage Road, and the curvature of the crest of the road upgradient from the site, the Project’s driveway does not meet the required minimum safe distances for either SSD and ISD. Exhibit B, ¶¶ 24-30. This has serious traffic safety and public safety implications for the citizens of Belmont who drive on Frontage Road, and who use the pedestrian bridge over Route 2 and cross Frontage Road to the bus stop. Exhibit B, ¶¶ 31-34.

Also at the HAC hearing, the Board’s own architectural peer reviewer, Clifford Boehmer submitted expert testimony (filed herewith as Exhibit E) recommending that the Project be redesigned from two buildings to a single building, with a zero front setback. Mr. Boehmer’s testimony stated that:

In my professional opinion, concentrating the building volume within a single footprint, potentially with parking beneath, could satisfy both setback and open space parameters laid out by the Board. A more efficient use of the site could include exploring a zero-front setback, which in my opinion, could improve the relationship of the building relative to the neighbors to the south, without substantially impacting curb appeal or violating the requirements of the Massachusetts Building Code and NFPA.

See Exhibit E, ¶ 10. A single-building proposal would address many of the concerns with site design listed in our July 28, 2021 correspondence to the Board (Exhibit A). However, the revised submission that is the subject of the current remand still has a 2-building configuration, although it slightly modified the location of the buildings on the site. Accordingly, we request that the Board reconsider a 1-building configuration as part of this remand proceeding, and that it also have the current, modified proposal peer reviewed for architecture and site design before making any final decision on the revised Project. As the revised proposal now stands, the proposed setbacks to neighboring properties are still insufficient, especially when the “private patios” are considered. We further note that the setback distance from the “private patios” to the property boundary line is not listed or quantified on any of the newly submitted plans.

Concerning stormwater impacts from the revised proposal, where the modified plans also caused “changes to the proposed watershed map and the stormwater management calculations” (see February 6, 2024 letter to the Board from DeCelle-Burke-Sala), we further request that the Board have the updated stormwater components peer reviewed before making a decision on the Project, as well.

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Thank you in advance for your consideration of these comments. We look forward to discussing this matter further with the Board at its hearing on March 4<sup>th</sup>.

Very truly yours,

*/s/ Elizabeth M. Pyle*

Elizabeth M. Pyle

cc: Nina Pickering-Cook, Esq. (by email)  
Jesse Schomer, Esq. (by email)