

Comments and Documentation in Support of the Testimony of
Christopher Loreti for the Arlington Redevelopment Board Hearing on
Special Permit Docket #3633
(1500 Massachusetts Avenue)
September 14, 2020

The comments below and the attached Town Meeting transcript indicate two significant violations of the Arlington Zoning Bylaw as it pertains to ARB EDR Docket 3633, 1500 Massachusetts Avenue.

1. Apartment Buildings are Not Allowed in the B1 Zoning District

The Arlington Zoning bylaw defines "Apartment Building" as a multifamily building consisting of four or more dwelling units. Clearly, the residential use of the proposed development meets that definition. Apartment Buildings are not allowed in the B1 zoning district—as either individual uses or as part of mixed-use developments.

The attached pages are excerpts from the certified transcript of Article 6 of the April 25, 2016 Annual Town Meeting, which amended Arlington's Zoning Bylaw to allow mixed-use developments. These excerpts demonstrate that at least three times members of the Arlington Redevelopment Board (Chair Andrew Bunnell and Michael Cayer) testified that only uses individually allowed in a zoning district could be permitted as part of a mixed-use development in the same zoning district. Town Counsel Doug Heim and Inspectional Services Head Michael Byrne were reported by the ARB to agree with this legal interpretation. Thus an apartment building, which is not allowed in the B1 zoning district, cannot be permitted as part of a mixed-use development in the B1 zoning district as proposed in Docket 3633. See statements in brackets followed by an asterisk on pages 48, 50, and 67.

2. The parking areas do not meet the setback requirements of the zoning bylaw.

The applicant states that the parking area setback is a mere 0.6 feet. The zoning bylaw requires a setback of 10 feet. However, this amount can be reduced by the ARB to as little as 5 feet if it includes a suitable fence or wall (Section 5.3.7.A). The ARB has no authority to reduce this setback to less than 5 feet.

I respectfully request that this documentation be entered into the public record for this docket as part of this public hearing.


Christopher Loreti

56 Adams St.
Arlington, MA

ORIGINAL

TOWN OF ARLINGTON
ANNUAL TOWN MEETING

MONDAY, APRIL 25, 2016

Session 1

Robbins Memorial Town Hall Auditorium

730 Massachusetts Avenue

Arlington, Massachusetts 02476



CAMBRIDGE TRANSCRIPTIONS

675 Massachusetts Avenue

Cambridge, MA 02139

(617) 547 -- 5690

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1 I live on Lombard Terrace, close to three blocks, two long
2 blocks from Mass. Ave. I'll be voting against this, I
3 believe. But I'd like to say a few things. I think it's
4 dreadful that we're presented with all these changes as one
5 article. Some I would vote for, some I would vote against.
6 I attended at least one of the meetings about this,
7 approximately a week and a half or two weeks ago. I find
8 all this difficult to absorb, and it's too multifaceted for
9 me to swallow one vote. And that's part of the reason why
10 I would vote no. I would recommend that ARB postpone the
11 vote to give people another vote, at least to give us time
12 to want to vote yes. But as it is, tonight I would vote
13 no.

14 What is the neighborhood business district?
15 There's a paragraph in this thing about a neighborhood
16 business district, and I'm wondering -- I read it but --

17 MR. JOHN LEONE: Ms. Weiner? Or Mr. Bunnell
18 (Indiscernible)

19 MR. ANDREW BUNNELL: The feature of the
20 neighborhood district, business district --

21 MR. JOHN LEONE: Introduce yourself.

22 MR. ANDREW BUNNELL: Andrew Bunnell, Chair of the
23 Redevelopment Board. If you could bring out my slides
24 again, I could point out where that is on the map.

25 (Indiscernible). It's a little unclear on the map, but the

1 second line [on our key here is B2, neighborhood business
2 district. And these are interspersed throughout town.
3 They are traditionally small businesses, districts with
4 smaller businesses.

5 You won't see major developments going in in this
6 kind of a district. It usually comes into a neighborhood -
7 - it has to comply with what's already permitted in that
8 district.] * And it also has to be within the character of
9 the neighborhood. And part of the reason that the ARB has
10 decided to keep special permit review over this is so that
11 we can be assured that we're protecting neighborhoods from
12 being overrun and seeing that "Palo Alto effect" that the
13 other speaker talked about. It is important to us that
14 there is some review over these projects from the
15 beginning, so that we're not seeing monstrosities coming to
16 town, and seeing the kinds of things that people don't
17 want.

18 It is an open process, the special permit is a
19 collaborative, open process where people do have the
20 opportunity to come in and speak their case, and advise the
21 ARB on how we should be voting and what projects we should
22 be looking at, what projects we should say, maybe time to
23 go back to the drawing board and come back with something a
24 little more appropriate for the neighborhood and for the
25 use that you're requesting.

1 MR. ANDREW FISCHER: -- and the answer was yes,
2 so I def --

3 MR. ANDREW BUNNELL: Well, that's actually not
4 true. [Mixed use is any use that would be more than one
5 use. It can't be sold as residential. Again, it has to
6 fit with a permitted use; a parking garage won't be
7 permitted in there, because a parking garage isn't
8 permitted. A residential on top of a gas station won't be
9 permitted if that use is not already permitted. It has to
10 fit what's already allowed under zoning,]* and it has to fit
11 within the character of the neighborhood being considered.

12 MR. JOHN LEONARD: At any rate, I would support
13 Mr. Loreti's amendment, for the reason I just said. And
14 the other reason I'm going to vote no is that I can't find
15 anybody that wants higher density in the town, not in my
16 precinct, anyway, when I talk with people. And the theory
17 that we're obligated to go higher and higher density
18 because of the world and greenness, I don't buy it. I
19 happen to think we're at optimal density right now. I
20 think we've already done more than our job. There are
21 equally valid reasons to say high density is not healthy.
22 So, that's my feeling then. I would repeat everything that
23 the previous speaker also said. Thank you.

24 MR. JOHN LEONE: Thank you very much. Mr.
25 Worden.

1 it that said "5,000." There wasn't any intent to change
2 that. So, instead of the dash, the scrivener's error that
3 we've corrected now with the Town Clerk and provided to the
4 Clerk and the Moderator, is to change that dash to a
5 "5,000." So, hopefully, that's clear.

6 MR. JOHN LEONE: - If you'll all make that change
7 administratively to your report, we'll just go with it as
8 we proceed. Go ahead, Mr. Cayer.

9 MR. MIKE CAYER: Thank you. So, I want to start
10 by saying, zoning is hard. It's hard and we do it first,
11 which, frankly, I think is a disservice to both zoning and
12 for helping the town move some of these things forward.

13 But, be that as it may, that's what we're doing.
14 We're here tonight to talk about Articles 6 and 7,
15 hopefully, eventually.

16 [So, the first thing I want to talk about is
17 correct a couple of things that were talked about earlier.
18 There was a statement made that said that any commercial
19 use can be snuck in to the mix -- the definition that's
20 been put forth before you, in a mixed use development. So,
21 you know, you can put a meat-processing plant on the first
22 floor if you so choose, and if those rascals on the
23 Redevelopment Board approve it, then you're going to have a
24 meat-packing plant on the first floor.

25 That's not correct. We've worked with both the

1 Inspectional Services, the head of Inspectional Services,
2 as well as Town Counsel on the wording that's before you.
3 And only the uses that are permitted in a particular
4 district are the ones that can happen in a mixed use in
5 that district. So, just to clarify on that point.] *

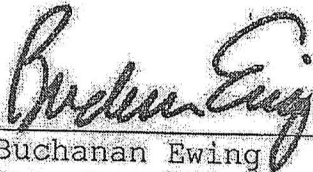
6 The second point I want to bring up is, with
7 respect to height, I think we've clarified a few things
8 with respect to height. But I want to clarify two others.

9 Number one is, is, you've heard some people talk
10 about a four-story buffer, okay? What that is, is what
11 we're really talking about there is if a proposed mixed use
12 is next to resident, then, instead of being five stories,
13 you can only build four. That's a buffer zone, okay? You
14 cannot go all the way up, and what's already in there stays
15 in there, okay? It's only in the more commercial spine,
16 where you've got other big buildings around you, that
17 you'll be able to go to the maximum height.

18 Now, the important thing on this, though, is that
19 what this does is it actually, from the streetscape, limits
20 the height of the buildings even further down, because what
21 you've also heard is about stepbacks. And a stepback means
22 that as you go up to that fifth floor, or as you go above
23 three, you have to move those next floors back seven and a
24 half feet. So that from the streetscape now, you're only
25 going to see three stories.

C E R T I F I C A T E

I, Buchanan Ewing, do hereby certify that the foregoing transcript is a true and accurate record of the aforementioned matter prepared to the best of our knowledge, skill, and ability.



Buchanan Ewing

6/2/16

Date

Notary Public No. 17610 DNP

My commission expires June 15, 2018

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Approved Court Transcriber