

**Arlington Redevelopment Board**  
**Monday, September 14, 2020, 7:00 PM**  
**Meeting Conducted Remotely via Zoom**  
**Meeting Minutes**

This meeting was recorded by ACMI.

**PRESENT:** Rachel Zsemlery (Chair), Eugene Benson, Kin Lau, Katherine Levine Einstein, David Watson

**STAFF:** Jennifer Raitt, Director of Planning and Community Development, and Erin Zwirko, Assistant Director

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Vice-Chair, Mr. Lau, called the meeting to order and notified all attending that the meeting is being recorded by ACMI.

Mr. Lau explained that this meeting is being held remotely in accordance with the Governor's March 12, 2020 order suspending certain provisions of the Open Meeting Law G.L. c. 30A, Section 20. This order from Governor Baker allows for meetings to be held remotely during this time to avoid public gatherings.

Mr. Lau introduced the second agenda item, Docket #3631, 473 Mass Ave Continued Public Hearing

Patricia Worden interjected to say that she is unable to get on to the video call. Ms. Raitt said that she would assist Ms. Worden while Mr. Lau continues the meeting.

The proponent, Mr. Gotu Hule, introduced himself and gave an overview of his new submission. Mr. Hule explained that he submitted the side view of the sign. Mr. Hule said that the current awning sign is 154 square feet and the new sign is just above the awning. Ms. Zsemlery said that the new sign is larger than what is allowed in the bylaw. Ms. Zsemlery said that she visited the building and noted that the sign band has been damaged so a smaller sign would leave the deteriorated sign band exposed. Ms. Zsemlery suggested moving the curly-Q design from the outside corners. Ms. Zsemlery asked about the lighting and Mr. Hule said that the lettering would be lit. Mr. Watson said that he agreed with Ms. Zsemlery that the curly-Q design should be pulled in closer to the lettering, if the proponent wanted to do that. Mr. Hule said that he likes the look of pulling the design in closer to the lettering. Mr. Benson said he agrees because this is an unusual circumstance since the sign band seems to be in very bad condition. Mr. Benson said that he does feel the sign is too big, so he would like to have the lettering and the curly-Q artwork within the allowed 40 square feet. Mr. Lau suggested aligning the sign with the building's cornice and then the sign transitions to the canopy. Mr. Watson said that after looking at the neighboring businesses' they also have signs that do not align with the sign band. Ms. Zsemlery said that the letters are 30 inches tall. Ms. Zsemlery said that if the lettering is reduced slightly it would work better with the building. Ms. Zsemlery said she thinks that the Historical Commission would also prefer a sign that aligns with the elements of the building. Mr. Watson said he is supportive and in the future if other businesses in that building change their signage The Board can get those signs more aligned with the sign band. Mr. Hule said that he feels that the wording would be too small and the awing becomes much bigger. Mr. Lau said that Mr. Hule's options are to have the lettering match the sign band or to replace his existing signage. Mr. Watson said that after looking at other signs in the area only two were entirely within the sign band.

Mr. Lau opened the floor to public comment. Ms. Raitt said she did not have any requests from the public to comment.

Ms. Zsemlery said after looking at the neighboring business' sign it looks like the sign band was extended to the size the proponent is requesting. Mr. Watson moved to approve the application as submitted with the supplemental materials with the condition that the artwork be entirely brought within the allowable square footage, Mr. Benson seconded for Docket #3631, 473 Mass Ave, approved 4-0.

Mr. Lau introduced the first agenda item, Welcome to Katherine Levine Einstein new Board member Organizational Meeting - Vote to designate new Chair. Mr. Lau welcomed Ms. Levine Einstein as a new member of the Board. Mr. Benson

asked Mr. Lau if he would like to be Chair since Mr. Lau is Vice Chair. Mr. Lau nominated Ms. Zsebery as Chair, Mr. Benson seconded approved 5-0.

Patricia Worden interjected to say that that she cannot connect via Zoom to the meeting. Mr. Watson said that the meeting link located on the Town website does not require a passcode and Ms. Raitt told Ms. Worden that she will need to log into Zoom to connect.

The Chair introduced the third agenda item, Docket #3633, 1500 Mass Ave Public Hearing. Ms. Raitt wanted to point out a few items mentioned in Ms. Raitt's memo that have been updated on the website, including a tree plan from the Town Tree Warden and a good neighbor agreement sent to abutters. Ms. Raitt said that the applicant will need to resolve circulation issues and the tree plan. Bob Annese is representing the applicant and Mr. Annese introduced Monty French, Architect, Emily Driscoll, Architect, and Darren Denuchi, Contractor/Developer. Mr. Annese reviewed the size of the project and said that the proponent is not looking for retail space but office space instead. The properties surrounding the site include more commercial properties. Mr. Annese is requesting a 25% reduction request for parking, there is not enough room on site for carpooling but will provide a shower in the office space. Mr. Annese said that he is looking for help from the ARB with the plans in progress for this difficult mixed-use in the B1 zone.

Monty French reviewed the plans and office space on the first floor. The circulation is one way around the site and the 6 parking spaces are in parallel around the perimeter of the site. 4 residential units are 2 bed 2 bath units with a bike room towards the back of the building. Mr. French said that the tree plan will be updated to include the Tree Warden's requirements. This building does not have site view of shadow obstruction because the surrounding buildings are taller. Mr. French said that the 25 foot building set-back on the site was added to meet the open space requirement.

Mr. Lau said he is supportive of the project but he has some questions. Mr. Lau asked about the mandatory ADA accessible unit required in buildings with 4 or more residential units. Mr. French said that it is possible to add an additional ADA accessible unit on the ground floor. Mr. Lau suggested changing the parking and circulation plan to reduce the set-back so the office space is closer to the sidewalk and provide parking in the back of the building.

Mr. Benson asked for clarification for the gross floor area and plot size calculations and a more detailed Transportation Demand Management plan. Mr. Benson said that if there was an affordable unit in the building the Board would be able to reduce the required number of parking spaces from 6 to 5. Mr. Annese said that the development would not be able to support an affordable unit. Mr. Benson asked for a market analysis that shows an office of the planned size would be viable in Arlington. Mr. Benson also asked to review the size of the balcony to make sure that it does not project into the neighboring yard and need to see a proposal that meets the Tree Warden's requirements. Mr. Benson asked about the retaining walls to be removed and if the gas vent pipe has been addressed with the gas company.

Mr. Watson asked if there will be any mechanical systems on the roof. Mr. French said that the mechanical systems have not been designed yet but they intend to have mini-splits in the units so there would not be a need for a big air handler on the roof but may need a condenser. Mr. Watson asked how the building will relate to the abutter to the rear. Mr. Watson said that he would like to see an elevation with the retaining structures and the proposed building in relation to the abutters. Mr. Watson said he is also concerned about the tree plan and would like to see a landscape plan that conforms with the tree plan. Mr. Watson said that he is concerned about the circulation plan with such a tight turning radius, Mr. Watson said he agrees with Mr. Lau's suggestions. Mr. French said that changes to the circulation plan may lose the ability to have the planned open space. Mr. Watson said that he is also concerned about the small size of the first floor commercial space and whether this building would meet the intention of the mixed-use bylaw. Mr. Watson said that if is possible to add

an affordable unit that would solve the parking issue for this project and help us to meet our goals of having more affordable housing.

Ms. Einstein said she likes this plan and this would be a nice addition to the neighborhood. Ms. Einstein agrees with Mr. Lau's suggestion to bring the building closer to the sidewalk. Ms. Einstein said she supports adding another accessible unit and supports having a single driveway instead of the two curb cuts would stay within the Town's priority for pedestrian safety. The Chair said that she echoes what her colleagues have suggested.

Mr. Benson said that on the next plan a snow removal plan should be included. The Chair suggested adding a planting zone to soften the look of the large retaining wall at the rear of the building. Mr. Watson asked about trash removal with the trash room located at the rear of the property. Mr. French said that it would be a private trash service to collect the trash. Mr. Watson said with the current circulation plan he is concerned about a large trash truck being able to maneuver in the driveway. Mr. Annese said they would probably have large trash barrels brought to the curb. Mr. Watson said that he does not think that is preferable.

The Chair opened the floor to public comment. The Chair asked if anyone would like to speak to please use the Zoom raise hand function and the Chair will allow time to speak. The Chair said that going forward speakers will be unmuted and may be on video if they like. Comments will be limited to 3 minutes per person due to the length of the agenda for this evening.

Andreas Kellas 15 Woodbury Street said he is happy the existing building is being demolished but has some concerns about the new plans. Mr. Kellas said that the tree removal plan showed removal of 8 trees all on the west side of the property but some large maple trees and a large evergreen tree, that were screening Mr. Kellas' property from Mass. Ave., were also removed in addition to the 8 trees on the plan. Mr. Kellas said that the plans do not seem to include the replacement of these large trees. Mr. Kellas said he is also concerned about the grade of this property; the new retaining wall will need to be much higher which will create a precipitous drop from Mr. Kellas' property. Mr. Kellas said he is also concerned about the proposed height of the new building and the proposed size of the building is too ambitious for the size of this lot.

Barbara Thornton said that she is delighted to see housing coming into Arlington. Ms. Thornton asked why the developer did not plan for 4 stories instead of 3 and why not add more affordable housing instead of the office space. Ms. Thornton said that she does not think such small commercial space will make a big difference in the Town's tax base.

Don Seltzer said that a 4 unit apartment building is not allowed in this B1 zoning district. Mr. Seltzer said to allow this exception would set a precedent and the Board should expect to receive many similar requests. Mr. Seltzer said that Mr. Annese already has another apartment building project lined up in a B1 zone. Mr. Seltzer said that Mr. Annese would undoubtedly argue that it is capricious and arbitrary to allow one exception and not others. Mr. Seltzer said that some Board members are under the impression that Town Counsel has issued a legal opinion that mixed-use means any two uses can be placed in any district. Mr. Seltzer said that he spoke to Doug Heim and he has not issued any legal finding. Mr. Seltzer said that Doug Heim said that he attributes the misunderstanding to correspondence with a resident in which he offered some informal views. Mr. Seltzer said that Mr. Heim said that it was the genesis of an informal opinion. Mr. Seltzer said that at the 2016 Town Meeting it was stated that only those uses that were already allowed in a district would be allowed for mixed-use. Mr. Seltzer then proceeded to play a recording of the 2016 Town Meeting discussion regarding mixed-use.

Steve Revilak said that he thinks that this is a nice project and the addition of housing is needed in Arlington. Mr. Revilak said that the people who will live in this building will be grateful for having a nice place to live. Mr. Revilak said that he knows there is more work to do and encourages the Board to work with the applicant and hopes to see more projects like

this along Mass. Ave. and Broadway.

Patricia Worden said that she will submit additional written comment because the 3 minute comment period is so short. Ms. Worden said that the project at 1500 Mass. Ave. violates the zoning bylaw so badly that it should never have been considered. Tonight's hearing is a demonstration of the ineffectiveness of the Planning Department. The proponent needs to submit an economic analysis. Ms. Worden said that a 4 unit residential building is not allowed in a B1 district, whether mixed-use or not. Ms. Worden said she is concerned that the town has a need for affordable housing and this project has none, wanton destruction of property, trees, and landscape in anticipation of being awarded a an approved permit for an illegal project. Ms. Worden said that there is no committed tenant for the commercial area so it is likely that the entire building could become residential due to a loop-hole in the zoning bylaw. Ms. Worden said that there are dangers regarding the curb cuts.

Chris Loreti said he is disappointed in the understanding that the Board has shown in the Arlington zoning bylaw. Mr. Loreti said that even on the legal notice it states that a permit would be issued under section 3.4 of the zoning bylaw but you neglected that you to need to issue a special permit under section 3.3. Mr. Loreti said that the first decision under that criterion is that the use requested is a use permitted in the district for a special permit. An apartment building is not allowed in B1 district. Mr. Loreti said that 3.3.3F, which states that the intended use will not impair the character and integrity of the district, also has not been met. B1 zoning district is for 1 or 2 family homes or offices but to allow a 4 unit building with an office is not in keeping with the B1 district when it is so out of character. Mr. Loreti said that he appreciates that the applicant's plans meet the zoning bylaw criteria for open space. Mr. Loreti said that he is well aware of Town Counsel's memo which states that the Board can supplant the ZBA in granting variances, Mr. Loreti said he does not think that will stand up in court. Mr. Loreti said abutters objected to the way the Board handled the Hotel Lexington Special Permit and it may be appealed. Mr. Loreti asked if the court strike down the Board's ruling what happens in that case, would the Board withdraw the special permit for this project. Mr. Loreti said the Board should at least have to wait until the outcome of the Hotel Lexington appeal to move forward with this request.

The Chair closed public comment.

The Chair listed the items for the applicant to review:

- Circulation/parking configuration
- Gross square footage on 1<sup>st</sup> floor
- Addition of a accessible unit on the first floor/addressing accessibility
- Market analysis for the office space
- Look at the balcony projections into side yard
- Review Tree Warden's requirements and the 8 trees that have been removed from the site
- Screening on the roof for the abutters
- Elevation and rendering that addresses the height of the retaining wall and relation to neighboring buildings
- Snow and trash removal
- Location of the sprinkler room
- A detailed Transportation Demand Management Plan

Mr. Benson said that he will not approve the project if there is a large decrease in the commercial space.

Mr. Lau moved to continue Docket# 3633 to the meeting on Monday October 19, 2020, Mr. Watson seconded, approved 5-0.

The Chair introduced the next agenda item, 19R Park Ave – review of and update on Minuteman Bikeway connection. Ms. Raitt introduced Pam Hallett, the Executive Director of the Housing Corporation of Arlington. Ms. Raitt said there has been a change to the plans since the approval for this project and Ms. Raitt would like the applicant to review the proposed changes, updated site plan, and change to project goals with the Board.

Ms. Hallett said that with the remediation of this site there have been significant cost overruns of over \$100,000.00. More of the soil was contaminated than expected and contaminated with PCPs, which need to go to a special dump site and that process is quite costly. Ms. Hallett said that they had a small contingency of \$50,000.00 and used the project contingency to have the remediation completed. Funders became concerned that there is no longer a 5% contingency for the project so HCA said that they would come up with cost cutting measures to ensure that there is a 5% contingency. Ms. Hallett said that she proposed holding off building the bridge to connect to the Minuteman Bikeway and the Funders accepted that option. Ms. Hallett said that the building project is now 35% complete. Ms. Hallett had the site design updated with the reconfigured plan which allows for greater fire truck access. Ms. Hallett said that she heard from the MBTA and they have many restrictions regarding what will be allowed. Ms. Hallett is also not sure what the MBTA will charge on a lease basis. Ms. Hallett said that she wanted to review the updated plans in case the bridge cannot be built at the end of the project with the contingency funds.

Mr. Lau said that he likes this project, that it will be all affordable housing. Mr. Lau asked about funding in the future to build the bridge. Mr. Watson said he remains excited about this project and will be disappointed if the bridge is not able to be built as it is an important part of the Transportation plan and for the health of the residents. Ms. Raitt said that this is not a formal hearing this is advisory and there is no need to make changes to the Special Permit at this time.

The Chair introduced the next agenda item, Committees and Appointments: Ms. Raitt said that she and Erin Zwirko recommend appointing Ben Bradlow to the Housing Plan Implementation Committee. Mr. Bradlow said that he moved to Arlington in July and has been involved in housing initiatives in other communities and would love to contribute to the Housing Plan Implementation Committee. Mr. Lau asked if Mr. Bradlow has had any experience with developments. Mr. Bradlow said that he has been involved with development projects in neighboring communities and in South Africa. Mr. Lau moved to approve Ben Bradlow's appointment to the Housing Plan Implementation Committee, Mr. Benson seconded, approved 5-0.

Ms. Raitt asked to review the Board's appointments on the following Town Committees:

- Community Preservation Act Committee – Mr. Benson is currently on this committee.
- Master Plan Implementation Committee – The Chair will now attend these committee meetings.
- Zoning Bylaw Working Group – Mr. Watson is currently on this committee.
- Housing Plan Implementation Committee - Ms. Raitt said that maybe the Board can revisit this in a few months and that Department staff participates in these meetings. Ms. Raitt said that there are plans for the HPIC to have a new housing plan production plan update and it was very helpful to have a member of the Board participate with that process in the past. The RFP for the Housing Production Plan update is being submitted soon so the work may start early next year.

Mr. Watson moved to have Mr. Benson continue on the Community Preservation Act Committee, to have Mr. Watson continue on the Zoning Bylaw Working Group, for The Chair to join the Master Plan Implementation Committee, and to

temporarily leave the position on the Housing Plan Implementation Committee vacant, Mr. Lau seconded, approved 5-0.

The Chair introduced the next agenda item, the fall meeting schedule. Ms. Raitt said the Board's next meeting is on 10/5, which will include a hearing for a retail marijuana establishment and design guidelines; the next meetings are scheduled for 10/19/20, 11/2/20 and 11/16/20. The Select Board discussed opening the warrant for Special Town Meeting on 9/21/20 and holding Special Town Meeting on 11/9/20. The Board can now refile the warrant articles that were postponed in the spring, but will need to add meetings to review those articles. Ms. Raitt proposed the following dates for those additional hearing dates to review zoning warrant articles: 10/19/20, 10/22/20, 10/26/20, and 10/28/20. Mr. Benson moved to add the additional meetings on 10/22/20, 10/26/20, and 10/28/20, Mr. Lau seconded, approved 5-0.

The Chair introduced the next agenda item, Upcoming ARB Goal Setting Meeting and Joint Meeting with Select Board on September 21. Ms. Raitt said that the goal is to revive the conversation at the last joint meeting with the Select Board and commit to next steps. Ms. Raitt said that the Board will also need to set their annual goals. The Chair suggested adding feedback from the Economic Recovery Task Force regarding how the Board can support business owners in town during this difficult economic time.

The Chair introduced the last agenda item, Open Forum. The Chair opened to floor to the public. The Chair reminded the public that they will have 3 minutes to comment during open forum and to please state their full name and address when speaking and to use the raise hand function in Zoom. There were no comments from the public so The Chair closed the floor.

Mr. Lau moved to adjourn, Mr. Watson seconded, approved 5-0.

Meeting adjourned.