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Klein" <CKlein@town.arlington.ma.us>, JHurd@town.arlington.ma.us
Date: 03/05/2021 01:26 PM
Subject: Re: ARB Special Permit Hearings

Hello Mr. Loreti,

Thank you for reaching out regarding your concerns. Please allow me to provide a few procedural clarifications with regard to the ARB's meeting structure:

- All ARB meetings are conducted in conformance with the published ARB Rules and Regulations, Open Meeting Law and M.G.L. Ch. 40A.
- Time Limits were clearly set for the agenda item referenced below at the outset of the meeting. Clear direction was provided for opportunities for public engagement for those members of the public who wished to share comments beyond the allotted time in the agenda.
- The utilization of time limits for applicant presentations and public comment is fair and reasonable and will be continued. Applicant presentations are included for the purpose of supplementing previously submitted project documentation, highlighting key points and topics for discussion. Time limits create productive meetings, and the public, applicants, and Board deserve the right to attend efficient meetings.

Thank you,
Rachel Zsembery
Chair, Arlington Redevelopment Board

From: Chris Loreti <cloreti@verizon.net>
To: Rachel Zsembery <rzsembery@town.arlington.ma.us>
Cc: MTintocalis@town.arlington.ma.us, "DWatson@town.arlington.ma.us" <DWatson@town.arlington.ma.us>, KLau@town.arlington.ma.us, EBenson@town.arlington.ma.us, Jenny Raitt <jraitt@town.arlington.ma.us>, Douglas Heim <dheim@town.arlington.ma.us>, Adam Chapdelaine <achapdelaine@town.arlington.ma.us>, Christian Klein <CKlein@town.arlington.ma.us>, JHurd@town.arlington.ma.us
Date: Wed, 3 Mar 2021 16:21:20 -0500
Subject: ARB Special Permit Hearings

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Dear ARB Chair Zsembery:

As one of those who was not allowed to speak during the ARB public hearing for 10 Sunnyside on Monday evening, I am writing to express my concerns about the way the ARB is conducting its hearings.

The board is clearly not allowing enough time on its agenda. Two Special Permit hearings were scheduled for the first 45 minutes of the meeting, when an hour was not even sufficient for the first hearing. This should have come as no surprise, as this was a significant, new proposal.

Your proposed solution to those who were not permitted to speak—speaking during “Open Forum” or providing written comments—is no solution at all. Public hearings are held to provide the public the right to be heard. Open Forum is no substitute for formal public hearings, and the ARB does not get to pick and choose who can speak at public hearings. I understand the hearing for 10 Sunnyside will be continued, and I expect at that time that all members of the public will be given the opportunity to speak.

I believe the conduct of the hearings on Monday reflects larger problems with the way the ARB conducts itself as a special permit granting authority. Too often, hearings are run like the cram-down public meetings of MAPC, where the

outcome is decided in advance and public participation is strictly perfunctory.

Trying to limit the applicant to just five minutes for a presentation and limiting public comments to just three minutes reflects a profound disrespect for both the applicant and the public process. I suggest you watch a warrant article hearing of the Select Board (which unlike the ARB has no legal obligation to even hold public hearings on warrant articles) or a special permit hearing of the ZBA to see how much more accommodating they are of comments by applicants and the public.

Finally, I wish to call your attention to the written comments submitted for Monday's zoning article hearings by Attorney Robert Annese. He questions whether the ARB should even be granting special permits subject to Environmental Design Review if it is not going to allow his clients to violate the zoning bylaw as they wish.

If—based on the politically motivated and legally untenable memo* prepared by Town Counsel—the ARB is going to continue to use EDR, a process which is supposed to result in enhanced review and protections for developments, to reduce the basic protections written into the zoning bylaw, then I believe Mr. Annese is absolutely right. It will be appropriate to put the question of eliminating EDR special permits to Town Meeting.

Chris Loreti
Former ARB Member and Town Meeting Member, Precinct 7

*It is particularly notable how closely some of this August 2020 memo reflects the arguments of developer's attorney Mr. Annese, and how directly it contradicts Zoning Bylaw Section 3.3.4.A which allows more restrictive dimensional standards—but not less restrictive standards—to be imposed in Special Permits. (Note that the incorrect reference to "Section 7" made in this section during recodification needs to be changed to "Section 5.")