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ARLINGTON REDEVELOPMENT BOARD
Arlington, Massachusetts
COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss.

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RECEIVED
ARLINGTON BOARD

DOCKET NO. 2890

REQUEST FOR SPECIAL PERMIT

Subject to

ENVIRONMENTAL DESIGN REVIEW

Petitioner Henry E. Davidson

Date of Hearing June 28, 1993

Date of Decision July 27, 1993

Members Present:

Approved

Denied

William J. ...

Edward T. M. ...

Barry Paulson

Louis M. Crennen

John A. Fitzmaurice

Town Clerk's Certification

I hereby certify this to be a True Copy of the Decision of the Arlington Redevelopment Board as filed in the Office of the Town Clerk of the Town of Arlington, Massachusetts on July 27, 1993, and that 20 days have elapsed after the Decision and no Appeal has been filed.

Date of Issue: August 17, 1993

[Signature]
Town Clerk

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OPINION OF THE BOARD

This is a petition of Henry E. Davidson, operating as Davidson Management Company, owner of the property at 30 Park Avenue. The petitioner seeks Special Permits from the Redevelopment Board to lease 17,500 square feet of an industrial building for a fitness center (Use 4.10 - Health Club). The petitioner has entered into an agreement with Mr. Fran Shea and Mr. Joe Travia of 71 Lansdowne Street, Boston, who have been issued a franchise to operate a Gold's Gym at this location. In addition, he seeks Special Permits under Section 7.09 - Special Permits relating to signs - and Section 8.12(n) Parking and Loading Space Standards.

An earlier petition (No. 2880) filed on March 1, 1993, was scheduled for a public hearing on March 29, 1993, and was continued by mutual consent to April 12, 1993. On April 5, 1993, the petitioner requested leave to withdraw without prejudice, which was voted by the Board on April 12, 1993.

The subject property is one of three buildings in an industrial complex that has been used for office, manufacturing and warehouse purposes. The property is located in the Industrial (I) District between Park Avenue and Lowell Street. On its southern boundary are multi-family residential uses and commercial uses fronting on Massachusetts Avenue. A portion of its northerly boundary abuts the Minuteman Bikeway.

The Building Inspector has determined that this petition should come before the Redevelopment Board for Special Permits under Environmental Design Review. Section 11.06 b. 1 states as follows: "In any instance where a new structure, or a new outdoor use, or an exterior addition or a change in use a) requires a building permit, b) is subject to a special permit in accordance with Section 5.04, Table of Use Regulations, and c) is one of the uses included in subparagraphs (a), (b), (c), (d), (e), (f), or (g) below, the aforementioned special permit shall be acted upon by the Arlington Redevelopment Board in accordance with the environmental design review procedures and standards hereinafter specified." In addition, this use requires more than 20 parking spaces and is a nonresidential use in excess of 10,000 square feet.

The petition is evaluated by the Board in accordance with Sections 10.11a and 11.06 of the Zoning Bylaw.

Section 10.11a-1 The uses requested are listed in the Table of Use Regulations as a Special Permit in the district for which application is made or is so designated elsewhere in this Bylaw.

The property at 30 Park Avenue is located in an Industrial (I)

Zoning District. Section 5.04 (Table of Use Regulations) of the Zoning Bylaw under Use 4.10 - Enclosed entertainment and recreation facilities including a bowling alley, health club, skating rink or other recreational activity conducted for a profit - allows a health club to exist in the I District by Special Permit. The Board has determined that the requested use is listed in the Table of Use Regulations as a Special Permit use in the I Zoning District and that the Board has the right to hear and act on the petition in accordance with the provisions of the Zoning Bylaw. In addition, the Board is empowered to act on the requests for permits under Section 7.09 and 8.42(n).

Section 10.11a-2 - The requested use is essential or desirable to the public convenience or welfare.

The petitioner in his submission has indicated that the use is essential and/or desirable to the public convenience or welfare because this facility is the only full service health club located in Arlington west of Arlington Center. In addition, the petitioner believes that this use is essential or desirable because it will result in the revitalization of one of the few remaining industrial sites within the Town. The petitioner also states that the replacement of the vacant industrial space with a health club will result in an improvement to the environment. The petitioner also believes that there will be a positive impact on the business community in Arlington Heights because of a new customer market that will be brought to the area by the health facility. The Board agrees with these findings, and, therefore, the Board finds that the petitioner has submitted sufficient evidence to satisfy Section 10.11a-2.

Section 10.11a-3 - The requested use will not create undue traffic congestion, or unduly impair pedestrian safety.

The petitioner had prepared and submitted a Traffic Impact Assessment dated May, 1993, prepared by Carlson Consulting Associates, 14 Van Brunt Avenue, Dedham, MA 02026. The study examined existing conditions including traffic operations, levels of service, accident history, trip generations and distribution and traffic impacts. Thereport concluded by recommending a number of recommendations ranging from restriping to the installation of a new traffic signal installation at the Park Avenue, Massachusetts Avenue intersection. The Board requested The BSC Group, Consultants, to the Board to evaluate the petitioner's submission. BSC found that the assessment had been prepared in accordance with the accepted standards of transportation engineering. The consultants noted that there was no evaluation of the mid-day peak hour operations on Saturday which is a critical time period.

The consultants also suggest that some of the deficiencies noted by the petitioner could be corrected as part of the project. These include the addition of signing, the restriping of roadways, and the upgrading the major intersection. The consultants also suggest

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interior access drives should be marked to achieve better flow and for pedestrian safety.

In conclusion, the Board finds that the requested use will not create undue traffic congestion or unduly impair pedestrian safety. However, the Board reserves the right to monitor traffic and parking operations.

Section 10.11a-4 - The requested use will not overload any public water drainage or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety, or the general welfare.

The petitioner has indicated that the building is serviced by a two inch (2") waterline and a six inch (6") sanitary sewer line which is tied directly to a thirty-six inch (36") MWRA sewer line which passes along the south side of the building. The petitioner states, and the Board finds, that the proposed use will not overload in this system. Historically the surface water drainage sheeted across the parking lot in a northerly direction to a drainage ditch on the north side of the railroad tracks. The construction of the Minuteman Bikeway caused three twelve inch (12") RCP drain pipes to be installed from the property line of 30 Park Avenue to the drainage ditch. Observations over the last year have shown the parking lot to properly drain with this new system.

Therefore, the Board finds that the proposal satisfies the finding required under Section 10.11a-4.

Section 10.11a-5 Any special regulations for the use, set forth in Article 11, are fulfilled.

In order to satisfy the Board in granting a Special Permit subject to Environmental Design Review, the petitioner must satisfy the eleven Environmental Design Review Standards which are intended to provide guidelines in reviewing each specific development. Each of these standards is reviewed and evaluated by the Board as follows:

EDR-1 Preservation of Landscape: The landscape shall be preserved in its natural state insofar as practicable, by minimizing tree and soil removal and any grade changes shall be in keeping with the general appearance of neighboring developed areas.

The petitioner has indicated that there will be no new site construction taking place other than the proposed exterior stairs for the second means of egress, and the existing landscaping will not be disturbed. Some landscaping currently exists on the site as

shown on the Site Plan and Parking Plan dated May 3, 1993. The petitioner indicates that no regrading will be required since existing drainage serves the present development. The survey plan submitted with the application provides information about existing utilities which is a requirement of Section 10.11c of the Zoning Bylaw. Based on evaluation of the material submitted, the Board finds that the petitioner satisfies the standard of EDR-1.

EDR-2 Relation of the Building to the Environment: Proposed development shall be related harmoniously to the terrain and to the use, scale and architecture of the existing buildings in the vicinity that have functional or visible relationship to the proposed buildings. The Arlington Redevelopment Board may require a modification in massing so as to reduce the effect of shadows on the abutting property in an R-1 or R-2 district or on public open space.

The proposed use will be placed in an existing industrial building and no changes are contemplated to the outside of the building which was constructed in 1959 other than the proposed exterior stairs. Since the building already exists and there are no changes contemplated to its exterior, the Board finds that the proposal satisfies the standard of EDR-2.

EDR-3 Open Space: All open space (landscaped and usable) shall be so designed as to add to the visual amenities of the vicinity by maximizing its visibility for persons passing by the site or overlooking it from nearby properties. The location and configuration of usable open space shall be so designed as to encourage social interaction, maximize its utility and facilitate maintenance.

There is currently no open space developed on the site. The petitioner proposes no changes and, therefore, concludes that this standard is not applicable. The Board concurs.

EDR-4 Circulation: With the respect to vehicular and pedestrian circulation including entrances, ramps, walkways, drives, and parking. Special attention shall be given to location and number of access points to the public streets (especially in relation to existing traffic controls and mass transit facilities), width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, access to community facilities, and arrangement of parking areas that are safe and convenient and, insofar as practicable, do not detract from the use and enjoyment of proposed buildings and structures and the neighboring properties.

This standard is addressed in Section 10.11a-3.

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EDR-5 Surface Water Drainage: Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Storm water shall be removed from all roofs, canopies and paved areas carried away in an underground drainage system. Surface water in all paved areas shall be collected in intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in the paved areas.

The standard was reviewed under Section 10.11a-4 above.

EDR-6 Utilities Service: Electric, telephone, cable, TV, and other such lines of equipment shall be underground. The proposed method of sanitary sewage disposal and solid waste disposal from all buildings shall be indicated.

The petitioner indicates that the proposed use will utilize existing utility services which are underground as shown on the site plan. The method of sanitary sewage disposal is discussed in Section 10.11a-4 above and meets this standard. Therefore, the Board finds that the proposal meets the standards of EDR-7.

EDR-7 Advertising Features: The size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall not detract from the use and enjoyment of proposed buildings and structures and the surrounding properties.

The petitioner has submitted plans (attached) showing two proposed signs, one for the main entrance at 30 Park Avenue, and one for the west entrance which faces the Minuteman Bikeway. The sign proposed at the main entrance will be two feet high and 14 feet long, lit by existing wall bracketed fluorescent sign lighting which will be relocated from elsewhere on the facade. The awning sign, 3 feet by 32 feet, will be lit from behind. The signage meets the standards for EDR-7, and Board so finds subject to review and approved final colors and lighting.

EDR-8 Special Features: Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar, accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.

The site currently contains outside storage areas and piles of apparently discarded materials. Since the building will be in multiple use, the Board requires a clean-up of the 30 Park Avenue

section of the property. The site plan shows a dumpster located in the parking lot adjacent to the Bikeway. This standard and the regulations promulgated under Town Bylaw Article 30 requires appropriate screening of dumpsters. It is recommended that the dumpster be moved away from the Bikeway and be appropriately screened in a less visible location. The Board is also concerned that the property is not handicapped accessible; and since this is a change in use which will involve alterations, there may be a requirement that it be fully handicapped accessible under the American Disabilities Act. The Board finds that the proposal meets the standards of *EDR-8 subject* to approval of the Building Inspector.

EDR-9 **Safety:** With respect to personal safety, all open and enclosed spaces shall be designed to facilitate building evacuation and maximize accessibility by fire, police and other emergency personnel and equipment. Insofar as practicable, all exterior spaces and interior public; and semi-public spaces shall be so designed to minimize the fear and probability of personal harm or injury by increasing the potential surveillance by neighboring residents and passersby of any accident or attempted criminal act.

The Board finds the petitioner meets the standards of EDR-9 subject to the Building Inspector reviewing and approving the final plans.

EDR-10 **Heritage:** With respect to Arlington's heritage, removal or disruption of historic, traditional, or significant uses, structures or architectural elements shall be minimized insofar as practical whether these exist on the site or on adjacent properties.

There are no historic buildings on this site or within the immediate vicinity; and, therefore, it is the opinion of the Board that this standard is not applicable in this case.

EDR-11 **Microclimate:** With respect to the localized climatic characteristics of a given area, any development which proposes new structures, new hard surface, ground coverage or the installation of machinery which emits heat, vapor or fumes shall endeavor to minimize insofar as practicable, any adverse impacts on light, air and water resources or on noise and temperature levels of the immediate environment.

There is a statement indicating that there will be no adverse impact on microclimate and satisfactory evidence was submitted at this hearing; therefore, the Board finds the petitioner meets EDR-11.

Section 10.11a-6 The requested use will not impair the

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integrity or character of the district or adjoining districts, nor be detrimental to the health, morals, or welfare.

The petitioner concludes that the use of this industrial building by a health club will not impair the integrity or character of the district. The Board concurs with this finding.

Section 10.11a-7 The requested use will not, by its addition to a neighborhood, cause an excess of that particular use that could be detrimental to the character of said neighborhood.

The petitioner points out correctly that this is the only full service health club west of Arlington Center; and, therefore, it is the opinion of the petitioner and also the Board that this will not create an excess of this particular use that could be detrimental to the character of this neighborhood.

DECISION

At the hearing and in his submission, the petitioner requested the Board to consider a reduction in the number of parking spaces required due to the proximity of the site to the Minuteman Bikeway. The Board voted not to permit the requested reduction at this time. Accordingly, the Board votes to grant the requested Special Permits under Section 7.09, 10.11a-1 through 7 and 11.06 as set forth above subject to the following conditions:

1. All existing utilities serving the site and any new ones shall be located underground.
2. Final landscaping plans and specifications including the connection to the Minuteman Bikeway shall be subject to the review and approval of the Board. All plant materials shall thereafter be properly maintained. The Board shall specifically approve final design of fences, signs, and exterior lighting including type of materials, fixtures, location, height and intensity.
3. Final plans and specifications for the building shall be subject to the approval of the Board. The Board will maintain its jurisdiction of final plans and specifications by approving them at design development, 50% working drawings and 100% working drawings.
4. Final plans and specifications as approved by the Redevelopment Board shall be the final plans and specifications submitted to the Building Inspector of the Town of Arlington in connection with applications for building permits for the project. There shall be no deviation during

construction from the approved plans and specifications without the express written approval of the Board except in cases where said changes are made to the interior of the building in such a way that there will be no change to the exterior portions of the property.

- 5. All snowplowing of the parking area and adjoining sidewalks shall be the responsibility of the petitioner and shall be accomplished in accordance with Article 9, Section 21, of the Bylaws of the Town of Arlington. Plowing of the parking lot shall be completed within twenty-four hours of the end of the precipitation in a manner that ensures that all parking spaces are available for their intended use.
- 6. All trash and solid waste generated at the site shall be disposed of by private contract unless modified in writing by the Board. The petitioner is required to ensure that the site is kept clear of blowing trash, paper and other refuse. Outside storage in dumpsters is specifically prohibited without the specific approval of the Arlington Redevelopment Board.
- 7. The Board reserves the right to review parking and circulation at, to, and from the site and to institute additional controls and/or physical reconstruction of the parking lot and access/egress drives, if necessary, including but not limited to the hiring of traffic control officers by the owner and if necessary the restriction of the hours of operation of the facility. Said restriction(s) or modification(s) if any shall be instituted only after a public hearing convened by the Board to receive testimony and evidence on the need for these additional controls. The petitioner shall be responsible for providing all required traffic signs to ensure safety.

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 TOWN OF ARLINGTON
 CLERK

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SO. MIDDLESEX LAND COURT
REGISTRY DISTRICT
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ON 10/17/94 AT 03:19:29 20.00 SAL

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