

Arlington Redevelopment Board
March 4, 2019, 7:30 p.m.
Senior Center, Main Room, First Floor
Meeting Minutes

This meeting was recorded by ACMi.

PRESENT: Andrew Bunnell (Chair), David Watson, Eugene Benson, Kin Lau

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

The Chair opened the meeting at 7:30 pm and turned to the first item on the agenda, Public hearing for Town Meeting Article 17, signage. He stated all votes on bylaw amendments will be taken March 27.

Ms. Raitt introduced Roger Eastman with LWC, who is helping the town with the sign bylaw regulation. Mr. Eastman provided details concerning the project.

The Chair turned to the Board for questions. Mr. Watson stated that one section allowed leeway in signage content, while another allowed sign permit exceptions -- how does one know when a permit is needed?

The Chair referred the question to Doug Heim, Town Counsel, who stated he understood the beginning of the question. Mr. Watson stated that it was unclear how an applicant would know whether permit was needed to change an existing sign. Mr. Eastman stated this is to allow change of a commercial message on a sign to a noncommercial one without a permit. However, commercial to commercial would always require a permit. Mr. Watson requested that this clarification be included in the final bylaw wording.

Mr. Watson then requested clarification as to whether the ARB or Building Inspector determines final approval. Mr. Benson stated it would help to know under what circumstances the permit would be sent to the ARB.

Mr. Watson requested clarification of the duration of temporary A-frame versus other sign permits.

Mr. Watson asked if it is too restrictive to allow the property manager to determine which tenants would be allowed more than one temporary sign. Mr. Eastman stated this is a difficult issue that concerns primarily multistore strip malls, where there might be too many signs at once; and he could not find a better way around this to apply to less congested areas. Mr. Watson requested more explicit language, as he could not see how they could have multi-sign restrictions given the configuration of so many businesses in town. Some discussion ensued. Mr. Eastman agreed to clarify the distinction between shopping centers and individual stores.

Mr. Watson asked if regulations concerning inflatable balloons/spinners, etc. would affect holiday decorations; Mr. Eastman stated likely no. Discussion followed with Mr. Heim re commercial versus noncommercial/residential content.

Mr. Watson asked re: removal of possible historical signs for businesses no longer in existence. Mr. Eastman stated they would add reference to landmark/historical signs in that context. Mr. Lau asked if this applies to murals on buildings. Mr. Eastman stated the sign bylaw is consciously neutral on murals. Mr. Heim elaborated on possible special treatment of historical signage.

Mr. Watson asked how display restrictions might affect holiday lighting using lasers/projectors. Mr. Heim stated this issue requires further consideration. Mr. Eastman stated the regulations are intended for commercial displays rather than single family homes celebrating holidays.

Mr. Watson asked if sidewalk projection of signage is prohibited; Mr. Eastman stated yes. Mr. Watson stated he is not sure he is in favor of this prohibition. He then stated he could not find a definition of “upright signs,” and Ms. Zwirko directed him to the definition. Mr. Watson stated he would submit typos.

The Chair stated he would also submit typos, and then opened the floor to public comment.

Chris Loreti stated he was confused about the “track changes” version. Ms. Raitt stated the changes were relative to comments from the Zoning Bylaw Working Group and from some board members. Mr. Loreti asked if the revised bylaw continues to offer protection against billboards. Mr. Eastman stated this was under “Prohibited Signs.” Mr. Loreti asked if LED signs were prohibited. Mr. Eastman stated very small LEDs (e.g., drive-thru notices) would be permitted. Mr. Loreti stated “permanent portable signs” should be prohibited/regulated, and that A-frame signs should be placed so as not to impede passersby.

Bob Radochia asked who is responsible for citing signage violations. Mr. Raitt replied the Building Inspector/Inspectional Services. He stated they are too busy to effectively control this. He then asked if store window signs were covered in the bylaw. Ms. Zwirko directed him to the section. He stated there was too much clutter on some windows, and this was not being addressed. He stated he would provide photos.

The Chair moved to Article 18, Inland Wetlands. Ms. Raitt stated the aim was to conform zoning with the Conservation Commission’s regulations. She stated that the Commission stressed that proposed zoning changes would not impact the Commission’s administration of the Massachusetts Wetland Protection Act and other regulations. She continued with further clarification, reading a letter from the Conservation Commission into the record.

Mr. Benson stated it was appropriate to have conforming regulations/definitions. Mr. Watson agreed but stated there is missing language in special permit process under 5.7.5.c., and gave the floor to Steve Revilak, who confirmed there is a missing paragraph. Ms. Raitt stated this would be reinstated.

The Chair invited public comments. None forthcoming, he moved to Article 19.

Ms. Raitt stated this warrant article is the same as Article 18, corrections to conform to Conservation Commission regulations. Mr. Benson stated he had supplied to the staff additional wording defining “perennial rivers, brooks, and streams.”

Beth Melofchik asked whether the Board is redefining wetlands with the insertion of “perennials.” Mr. Benson stated this was done to conform to Conservation Commission standards. Ms. Melofchik stated she was concerned about vernal pools; Mr. Benson stated they are not covered under this category. There are not vernal pools in Arlington. Ms. Melofchik asked if there are specific creeks and brooks that this applies to; Mr. Benson stated yes, every stream and brook in town except one that is caused only by heavy rainfall. Ms. Melofchik stated her concern that this change would benefit development along the Mill Brook corridor; Mr. Benson assured her it would not. He clarified the difference between vernal pools and intermittent streams and regulation thereof. Ms. Melofchik asked about the inconsistencies between the Conservation Commission and the zoning bylaw; Ms. Raitt stated that this is why the amendments are being proposed.

The Chair moved to Article 20, religious and educational uses. Ms. Raitt stated this article is intended to clarify the existing review process and amend existing bylaw sections to codify the process. She provided details and invited Mr. Heim to the podium. He referenced the Dover Amendment and discussed cases relating to these uses. Mr. Benson suggested several edits to clarify the order of application steps. Mr. Watson joined the discussion and Mr. Heim continued his explanation, with help from Ms. Raitt and Ms. Zwirko. Mr. Benson asked whether the staff or the Board should be doing the permitting work. Mr. Heim stated it is illegal for the Board to do so and provided further discussion of site plan reviews and recommended further review by the Board. Discussion followed. Ms. Raitt requested clarification of Board involvement in the process and how to avoid possible conflicts. Mr. Heim stated it was most critical to avoid making this a special permit under another name. Mr. Benson stated that if the work is done by the staff, and then the applicant does not appeal,

there is no opportunity for public input; but if the Board does it, there would be a public hearing. The Chair corrected, stating it would not be a public meeting but an open hearing allowing for public comment. The Chair then opened the floor for public comment.

Chris Loreti listed the problems he has with the amendment, including that the language for exemptions is not consistent, including whether a building would be a principal use. He stated the Board is making the administration of the process too difficult. Reasonable requirements are already in the zoning bylaw and are enforced by the Building Inspector, as is done by other towns. Applicants could appeal to the Zoning Board of Appeals. Mr. Loreti also disapproved of the applicant going before the Redevelopment Board or the Board of Appeals, and called this "board shopping." He also questioned where the Redevelopment Board gets the authority to go beyond the dimensional requirements in the bylaw - the Board of Appeals has this power, but not the Redevelopment Board.

Carl Wagner stated his concern that environmental and other reviews would be lost, harming abutters.

The Chair then moved to Article 22. Ms. Raitt stated there were administrative corrections. The Chair opened the floor to public comments.

Chris Loreti stated he didn't see the last change that was made appearing on the warrant article; he also stated it is out of scope. Mr. Benson asked for the citation; Ms. Raitt stated it was a date that should be in the Bylaw.

Steve Revilak clarified discrepancies in dates pointed out by Mr. Loreti.

The Chair stated the public hearing would stay open until March 27. He then moved on to election of the chairperson. Mr. Benson nominated Mr. Bunnell; seconded. Mr. Bunnell accepted. Board voted in favor (Mr. West absent). The Chair nominated Mr. Lau for Vice Chair. Mr. Watson seconded. Board voted in favor (Mr. West absent).

The Chair requested motion to adjourn. Mr. Lau so moved. Board voted in favor (Mr. West absent).

Meeting adjourned.