Arlington Redevelopment Board
Monday, May 18, 2020, 7:00 PM
Meeting Conducted Remotely via Zoom
Meeting Minutes

This meeting was recorded by ACMi.
PRESENT: Andrew Bunnell (Chair), Kin Lau, Eugene Benson, David Watson, Rachel Zsembery
STAFF: Jennifer Raitt, Director of Planning and Community Development, and Erin Zwirko, Assistant Director

The Chair called the meeting to order and notified all attending that the meeting is being recorded by ACMi.

The Chair 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.

The Chair asked if anyone would like to speak to please use the raise hand function and the Chair will allow time to speak during the Open Forum portion of the meeting. The Chair said that going forward speakers will be unmuted and may be on video if they like.

The Chair said he would take the agenda items out of order and introduced the second agenda item first, discussion and vote in order to discuss the schedule for upcoming meetings. Ms. Raitt proposed that June 8, 2020 at 7:00 PM be the next meeting date. Mr. Lau motioned to hold the next meeting at 7:00PM on June 8, 2020, Mr. Watson seconded, approved 5-0.

Ms. Raitt said that there will be a joint ARB Select Board meeting in July and she will provide that meeting date when it is available.

The Chair introduced the first agenda item, Public Hearings. Docket #3625 882-892 Mass. Ave. Bob Annese has asked for a continuance in order to reconfigure designs after receiving feedback from members of the public. The Chair said that he agrees that businesses should not be displaced for new construction. Mr. Lau said he reviewed what was submitted and found that modifications are needed and there should be more commercial space on the ground floor. Mr. Lau would like the applicant to consider limiting parking and limiting ground floor housing units. Mr. Lau said he would like to see the corner lot with side elevation facing Lockland Ave, including adding more windows. Mr. Lau asked that updated elevations be submitted with the surrounding buildings for more context and rethink the curb cuts. Mr. Benson said he also had concerns about narrowing the sidewalk and the lack of usable open space and landscape. Mr. Benson asked the applicant to consider a solar roof and electric charging station in the parking lot. Mr. Watson agreed that the loss of commercial space is unfortunate and would like to maintain existing or increase the proposed commercial space. Mr. Watson said that the plan for bicycle parking is not in compliance regarding both amount and type of bicycle parking. Mr. Watson said he would like the redesign to incorporate aspects of the existing structure or the current look and feel of the existing structure may be an interesting approach. Ms. Zsembery agrees that there are a lot of challenges with the proposed commercial space. Ms. Zsembery would like the developer look at materials including much more detail than the initial proposal.

The Chair said the mixed-use properties that have been developed in town so far have developed blighted properties. The Chair said that the intent of redevelopment was not to eliminate or reduce the number of businesses. The Chair asked that Mr. Annese meet with the Department and with Ms. Zsembery or Mr. Lau to review the Board's concerns about the initial designs. Mr. Annese said that there is a phase 3 contamination study on the site. The development will move to phase 4 once the building is demolished. Mr. Annese said an EDR decision from 1988 allowed building on top of the existing stores. Mr. Annese said that this B2 zone is an orphan zone, neighboring a higher density residential zoning district, including a

building with 4 plus floors with 33 residential units. This development would be consistent with the residential building next door. Mr. Annese said that the existing tenants are not being asked to leave but all of the leases in the building have expired. Mr. Annese said that the property owner has been discussing other location options with the current tenants. Mr. Annese said that the addition of 22 units will further the Governor's and Town's objectives of having more residential units in town. Mr. Annese said he would meet with Mr. Lau or Ms. Zsembery for guidance and will present an updated design at the next hearing. Mr. Benson said he is glad that Mr. Annese mentioned the site remediation and asked for a proposed timeline for the demolition and the remediation project. Mr. Lau volunteered to meet with Mr. Annese to review plans.

The Chair opened the floor to public comment and asked participants to raise their hands electronically in the Zoom meeting if they would like to speak. Steve Revilak said he concurred with the Chair's comments. It would be nice to retain a full first floor of retail space. Mr. Revilak said he was glad to hear Mr. Annese's client is considering proposal for more housing that will complement the neighboring building. Mr. Revilak said that smaller studio and one bedroom units are lacking in town. Carl Wagner said he appreciates the Board's feedback regarding the proposed development. Mr. Wagner said he is concerned that the new mixed-use building will look like the building across the street. Mr. Wagner said that perhaps the mixed-use law should be changed if these types of buildings are being approved. Christian Klein wanted to confirm that written comments will be forwarded to the developer for inclusion. The Chair confirmed that written comments that the Board received have been made part of the record and made available to Mr. Annese to share with the developer. Jim Kempf said he liked a lot of the comments from the Board and would like to see 22 single units, but he is concerned about increased traffic and lack of parking. Mr. Kempf asked if the bus stop will be removed or moved since he does not see the bus stop in the plans. Mr. Kempf said that part of the Town's character is given up when buildings are built too close to the sidewalk and have limited green space. The Town's future aesthetic should be considered. Michael Ruderman said he agrees with Board's response that a lot of work needs to be done along with accurate site plans. Mr. Ruderman said that that is not true that all leases have been expired. Mr. Ruderman, Treasurer of ACMi, says that ACMi Studio B's lease has not expired. The lease expires in August with two additional three-year lease extensions through 2026. ACMi invested a large amount of money, estimated at $70,000, to turn the space into a television studio. Mr. Ruderman said that ACMi was not aware of the site contamination when they began their lease in 2012. Patrice Smith said she is concerned about the height of the building, and would like to see shadow studies, groundwater studies, studies that show the impact of run off or flooding of neighboring properties, traffic impact studies, and an explanation of the proposed set back. Ms. Raitt asked members of the public to forward her written comments to share with the Board. John Worden said that he thinks this is not a fair public meeting if he cannot see or hear the meeting due to technical issues. Mr. Worden agrees that the proposed development does not have enough commercial space and that the ground floor should be commercial space. Judy Alexander asked about traffic patterns when both this project and the high school's construction are both being conducted at the same time. Mr. Annese said that is something that will be looked at and addressed for the next meeting along with the lease information.

Norman McLeod executive director for ACMi supported Mr. Ruderman's comments. Mr. McLeod understood that the lease was long enough to update the studio, now ACMi must find space to accommodate the specialized studio equipment. Mr. McLeod said that ACMi has not had contact with the applicant regarding finding a new location. Mr. McLeod said when he received the letter stating the building would be razed there was no documentation included to show that the EPA required it. Mr. Mcleod said all he had heard about the environmental issue was that three years ago the space failed an air quality test, was tested again two years ago and passed. Mr. McLeod said he then received the letter that the building should be razed Mr. McLeod said he would like to see that documentation from the EPA. The Chair said that the Board will continue to accept written comments and the new plans will be posted by the Board.

Mr. Lau motioned to continue this hearing for Docket # 3625 to July 6, 2020 at 7:00 PM, Mr. Watson seconded, approved 5-0.

The Chair introduced continued hearing for Docket #2818, 880 Mass. Ave. Back Bay Signs, Jay Parillo, explained that sign EO5 in the package now meets the requirements in the by-law. Mr. Benson moved to approve the sign, Mr. Lau seconded, approved 4-0 (Ms. Zsembery abstained).

The Chair introduced the continued public hearing for Docket #3602 1207-1211 Mass Ave. Mary O'Connor represents 1211 Mass Ave Realty Trust. Ms. O'Connor asked to address several zoning issues including the classification of property as mixed-use. Bonus FAR calculations will be submitted to the Board. She also stated that the restaurant use would not be included in the calculation for parking spaces and they are seeking a parking reduction to 56 spaces. Ms. O'Connor said that there is no issue regarding the 4th floor step-back. Ms. O'Connor said that Mr. Doherty is ready to submit updates to the Board. Ms. O'Connor said that items 1 and 2 are not yet available to present to the Board.

Mr. Watson said he thinks there are two issues regarding the upper story step-back, if the set-back needs to start at the third or fourth floor. Mr. Watson said his concern was whether the depth of the step-back can be altered from the 7.5 feet called for in the zoning by-law since the applicant has proposed splitting the set-back over several floors. Mr. Benson agrees with Town Counsel's finding that the by-law should read the 4th floor. Mr. Watson said he is glad to hear the applicant is moving forward with the traffic study since there was a recent fatal bicycle accident on Appleton Street.

Mr. Watson asked about the square footage for public access space and a draft of what the public easement would be, set-backs must meet the set-backs for Clark Street and would like to know why Ms. O'Connor thinks the hotel should have the requirement waived. Mr. Lau said that Clark Street is considered the front yard set-back. Mr. Lau said that the average front yard set-back in the area is 6 to 7 feet and the hotel meets that requirement. Mr. Benson asked about the parking valet parking being only for overnight guests of the hotel and not for restaurant guests, Mr. Benson would like to see that explanation in writing. Mr. Lau asked to review what Ms. O'Connor will be providing going forward. Ms. O'Connor said that all of the items are included with Ms. Raitt's memo dated January 21, 2020.

The Chair said he would like to see accurate elevations for the site and the traffic study. Ms. Zsembery asked Ms. O'Connor to review the Board's list of requests from the last meeting in January especially the quality and detail of the plan drawings. Mr. Benson asked for some clarification regarding the new shadow studies including the neighboring properties with solar arrays. Mr. Benson would like to know how the traffic studies will be conducted without accurate traffic conditions due to the current COVID-19 conditions and school summer break. Mr. Watson said it would be very helpful to look at the 2012 traffic report even though traffic and bicycle volumes have increased significantly since 2012. Ms. Raitt said that TAC will be reviewing the traffic study due to the recent fatal traffic accident but the applicant's traffic study needs to be updated and focus on neighborhood impact.

The Chair opened the floor to members of the public for comment. Don Seltzer commented on the statement that this lot is not for residential use and the waiver under the floor area ratio is not available because the lot is less than 20,000 square feet. Mr. Seltzer said he has the following concerns: there is no frontage along Clark Street, the current shadow studies, 4th floor step-back must be on both Clark Street and Mass. Ave. Mr. Seltzer said he feels that new elevations will exceed the 50 foot elevations that previous plans show. Mr. Seltzer is also concerned about delivery trucks having enough room to maneuver. Carl Wagner says he feels it is strange that people who have powerful positions in Town Government or related to Town Government can then represent people in front of Town Boards. Mr. Wagner said someone on the Board of Assessors who can lead the Board one way or the other. Ms. O'Connor said that she is a Special Town Employee exempted

and able to represent parties in front of the Board as a matter of Massachusetts law.

Lisa Hines wanted to speak in favor of the project as a property owner in the vicinity and would like to voice support for investment in this property. Ann LeRoyer said that she has questions regarding the bonus FAR and public access. Ms. LeRoyer has questions about how Mr. Doherty would steward this property in the future. Ms. LeRoyer said traffic is a major concern for the neighborhood, the building across the street is being renovated and will bring more traffic into the area. Ms. LeRoyer said neighbors are concerned about what recourse they may have in the future if the hotel is not successful and is abandoned.

Chris Loreti said he is concerned about legal aspects that pertain to the case including the by-law. Legal notice for this hearing was defective because Section 11 of 40A of the state zoning act requires that the nature of the relief should be put into the legal notice for the Special Permit Hearing. Mr. Loreti asked the Board to consider Section 1.4 and take the most restrictive reading of it. Mr. Loreti said that a hotel does not fit the B2 zoning district according to the by-law. Mr. Loreti said the bonus provision does not apply due to the lot size, as B2 is not listed at all. Mr. Loreti said he is also concerned that here is no usable open space and no provisions for landscaped open space, and the gross floor calculation. Mr. Loreti said public comments should be included with the docket materials.

Michael Sandler said that since the DPW, High School, and the building across the street will be under construction, the neighborhood is experiencing transition and needs an actual traffic study for this project. Carol McDonald said nothing should go forward without a traffic study. Ms. McDonald asked to see the permit if the tanks were removed from that site and how comprehensive the contamination study is. Ms. McDonald said hotels are being built in Somerville and Cambridge and asked what the impact will be on a smaller hotel in Arlington.

Ms. McDonald asked why the Town is not renting out the DAV building in the meantime to have some income coming into the Town. Ms. O'Connor said that the building is owned by the Town and that is the Town's choice.

Andrea Dwyer is eager to see the property cleaned up; the property is currently an eyesore. Ms. Dwyer said she has concerns about traffic, parking, and privacy issues with having a hotel in the neighborhood. Ms. Dwyer would like an elevation that shows the rear of the property so neighbors can see the expected height of the building as she is concerned about having a building looming over her property.

Marina Darlow lives across the street from the property concerned about traffic, parking, and restaurant patrons possibly parking on neighboring side streets. Ms. Darlow would like to see more detailed elevations and set-back details with better quality drawings so neighbors can see what the hotel will really look like.

Chris Loreti asked if the Chair could confirm that the Chair received the transcript Mr. Loreti sent from Town Meeting at the time the mixed-use zoning by-law was passed. The Chair confirmed that it was received. Mr. Benson said that he feels bound by the finding of Town Counsel that the proposed hotel meets the requirements for mixed-use property and the required 4th floor step-backs. Ms. Zsembery said that she would like to be able to review the traffic study the next time this continued hearing is in front of the board. Mr. Benson moved to continue this hearing to July 6, 2020 at 7:00PM, Mr. Lau seconded, approved 5-0.

The Chair introduced the third agenda item, Director's updates. Ms. Raitt said that the Department continues to work remotely and anticipates remote meetings though the summer. Staffing capacity has been reduced due to staff working on the COVID-19 response. Ms. Raitt said the Department does not have virtual forums scheduled at this point and the Department is exploring other options for feedback for plans and studies in progress. Ms. Raitt said that there are currently

surveys out for the sustainable transportation plan, housing and economic development, and residential design guidelines.

The Chair opened the floor to comment from the public for the Open Forum portion of the meeting. There were no comments.

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

Meeting adjourned.

DRAFT