

Arlington Redevelopment Board
Monday, July 6, 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 Zsebery

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. Comments will be limited to 3 minutes per person due to the length of the agenda for this evening.

The Chair introduced the first agenda item, the Continued Public Hearings for Docket #3602, 1207-1211 Mass Ave Hotel Lexington. The chair introduced Mary Winstanley O'Connor, Counsel for the applicant. Ms. Winstanley O'Connor reviewed the updated documents requested by the Board which includes: plans for step backs, parking, traffic impact report and study, the shadow study from Lincoln Architects, easement for public access, any possible contamination due to underground storage tanks and remediation. The Chair turned the floor to the Board for questions. Mr. Benson asked about the parking behind the building and if restaurant patrons would be able to use that parking area. Ms. Winstanley O'Connor said that the rear parking would not be available to restaurant patrons, it is exclusively valet parking for the hotel's overnight guests. Mr. Benson asked where tour buses will drop off passengers and where will the tour buses park. Jim Doherty said that tour buses will unload at the front of the hotel, under the carport at the front entrance. Mr. Doherty said that the buses will park off of Route 128 in Lexington at the junction of Route 2 and 128 at an overnight parking area. Mr. Benson asked how Ms. Winstanley O'Connor calculated the gross floor area. Mr. Doherty said that the dimensions were included with the packet for this meeting in order to have the floor areas calculation. Ms. Winstanley O'Connor said that the calculation will be provided in writing to the Board. Mr. Benson asked Ms. Winstanley O'Connor for a citation to the bylaw that allows the ARB to adjust step-backs. Mr. Benson asked Ms. Winstanley O'Connor to explain why the hotel is not required to meet the R2 zone requirement set-backs on Clark Street. Ms. Winstanley O'Connor explained that the mixed-use bylaw provides that there is no side yard set-back. Mr. Benson said that the Board should discuss the easement with Town Counsel to determine which entity in Town would be best to grant an easement for the public access space. Mr. Benson said that, similar to the naming, the easement should be discussed with the Select Board. The Chair asked Ms. Raitt to address some of Mr. Benson's questions. Ms. Raitt said that the Select Board would accept a permanent easement and then it would go to Town Meeting. Ms. Raitt said a Special Permit condition to grant the easement to the Town would still have to go through the Select Board and then Town Meeting. Ms. Raitt said that the alternative is that this is used as an agreement that the space is used at public space and an agreement on the hours of use. Ms. Raitt said that Select Board and the Memorials Committee would be able to assist with naming the space and ultimately the Board would not be the entity to assist with these issues. Mr. Watson said he shares Mr. Benson's concern about the step-back on the upper stories in addition to set-backs around the perimeter of the property. Mr. Benson the economic viability of the project by reducing gross floor area is not a winning argument in this situation. Mr. Watson said he would like to suggest to the Board to ask the Transportation Advisory Committee to review the new traffic data and let the Board know if they have any thoughts. Mr.

Watson said that there is significant traffic coming from Lowell Street so that should be included in the traffic study data. Mr. Watson feels that the low temperatures at the time of the count would lead to lower pedestrian and bicyclist numbers. Mr. Watson said he would like additional information regarding the rear parking slopes. Mr. Doherty said that there is an extremely shallow slope in that area. Mr. Doherty said he would follow up with more details regarding the slope. Mr. Watson said he is concerned about visibility on Clark Street with traffic entering and exiting. Ms. Raitt said that a review by TAC and or the Transportation Planner could be completed by the next meeting on July 20th. Ms. Zsembery said she would like confirmation that trucks will be able to back into and navigate the driveway without driving onto the sidewalks. Ms. Zsembery said she would like to know more about the potential left turn only signage at Clark Street driveway exit to prevent increased traffic into the residential area. Ms. Zsembery said she would like to see the calculation for the open space requirement. Ms. Zsembery said she has some design suggestions to send to Ms. Raitt to forward to Ms. Winstanley O'Connor. Ms. Raitt said that she now has the physical samples package to share with the Board. Mr. Lau said that he would like elevations to show the scale of the hotel in relation to the neighboring buildings. Mr. Lau said that he prefers the light color option on the façade to the darker color with the defined grid. Mr. Lau asked that the engineer reexamine the driveway ramp slope. Mr. Lau said that he expected more plans for the public gathering space and entry to the hotel for a better idea of what activities could be held in that area. The Chair asked for the Department to provide a shadow study since the current shadow studies are conflicting. The Chair would like to make sure the homes on Pierce Street are not impacted. The Chair opened the floor to public comment.

Adam Darlow 6 Clark Street across from the proposed hotel concerned about parking, the slope of the driveway and how that impacts how trucks turn on Clark Street. Mr. Darlow said he is also concerned about visibility for those exiting and turning radius of delivery trucks using the Clark Street driveway. Mr. Darlow said that he does not feel that the left turn only sign will not be practical and the hotel valets may break that rule instead of turning onto Mass. Ave.

Don Seltzer presented slides with the slope at the Clark Street sidewalk. Mr. Seltzer said the 20 foot driveway had a 10% grade. Mr. Seltzer said that he has concerns about the buffer strip, privacy fence, handicapped parking space location, and the size of the garage openings.

Ben Rudick 40 Webcowet Road is excited to see a business that will contribute to the Town's commercial tax base.

Ann Leroyer parking and traffic study TAC and Bicycle committee look at the problematic corridor and the addition of more development in the area. Ms. Leroyer said that there is no mention of children in these studies, with the location of the schools in the area, Ms. Leroyer said that that the pedestrian and bicycle needs in the area have not been addressed. Ms. Leroyer said she has concerns about handicapped parking, parking on Mass. Ave. in front of the hotel, and if the existing trees on the plans will be saved.

Carl Wagner 30 Edgehill hopes the applicants will continue to work with the Board to work on issues including, set-backs, frontage on Clark Street, parking, size of the building. Mr. Wagner said he would like the applicants to work better with the residents in the neighborhood. Mr. Wagner does not believe that Ms. Winstanley O'Connor as a member of the Board of Assessors should not be representing the applicant.

Chris Loretta said that hotels are classified as residential use and hotels are not allowed in B2 zones. Mr. Loretta said that Town Counsel is not the person to provide guidance since Town Counsel represents the Select Board, who is the seller. Mr. Loretta has concerns about areas considered landscaped, set-backs on Clark Street, the step-back, calculation of the floor area, and the easement.

Tara Bradley 28 Clark Street wanted to note that the gentleman supporting the project lives in East Arlington. Ms. Bradley

asked about the contingency plan for parking if valets are out sick or short staffed. Mr. Doherty said that every team member at a hotel has a critical function and the operation is run by professionals so Mr. Doherty said that he does not see that as being a problem.

Barbara Thornton said that she is excited by this project and hopes it will help Arlington Heights become a vibrant area and contribute to the Town's commercial tax base.

Ara Ulman 12 Whittemore St. opposed to this project, concerned about conflict of interest, feels it is too small a space and too large a building, insufficient parking, wrong zoning and inappropriate use.

Andrea Dwyer 26 Pierce Street directly behind the property. Said she would like to see further shadow studies, desire for additional elevations and see the scope of the building among the existing structures.

Lisa Hynes 14 Sunset Road said she agrees with neighbors in supporting the Board with Traffic study and additional elevations. Ms. Hynes said she does support the addition to the Town's commercial tax base and would like to see the public easement extended both in number of days and duration it is accessible.

Marina Darlow 6 Clark St. said she is happy Arlington is getting a new commercial vehicle to increase the tax base. Ms. Darlow said as one of the most impacted residents she has concerns about parking, the number of parking spots, would like to see the traffic study because she believes there will be much more car traffic. Ms. Darlow would like to see details about construction to know more about the developer's plans to make the construction tolerable for the neighbors.

James Rossi at 3234 Pierce St. said he appreciates the steps the Board has taken so far. Mr. Rossi said the neighbors were promised a modest boutique hotel seems like the developer is trying to maximize the space. Mr. Rossi asked how the Board's established rules will be enforced if the hotel is approved. The Chair said that the Special Permit will have general and specific conditions which must be upheld in order to hold the permit in place. The Chair said a Zoning Board officer will enforce the Special Permit requirements and set fines if necessary. If the Board is notified that the requirements are still not being upheld the Board can move to revoke the Special Permit.

Joanne Preston 42 Mystic Lake Drive said she would like to recommend that this goes before the TAC advisory committee because it requires their attention. Ms. Preston commuted to the Ottoson School and she said that there is a good deal of traffic. There are over 1000 students and staff traveling there regularly, concerned about pedestrian safety.

Steve Revilak 111 Sunnyside Ave. said he thinks this hotel is a good commercial project and would like the Board to continue to work with the applicant to move this project forward.

The Chair said that the Board would like to address the following issues at the continued hearing: the independent shadow study, transportation plan, parking study, proper elevations, answers to driveway slope question, review the easement conversations with Town Counsel. Ms. Raitt added the following issues to discuss at the next meeting: gross floor area and open area calculations, set-backs are compliant, balcony railing changes, materials tied to building elevations, signage regarding traffic exiting Clark Street, turning radius, elevation cut through for the driveway entry, handicapped parking, and the plan for the trees on the property.

Mr. Benson would like the traffic study to include a right turn and left turn only options from the drop off area looked at. Mr. Benson said that an outside independent expert to conduct the shadow study and that the set-back on Clark Street and step-backs cannot be changed by the Board.

Mr. Doherty said that the Board has asked over the last few hearings to spend tens of thousands of dollars to look at the set-backs and step-backs then to bring up the issues again. Mr. Doherty said that he thinks that that this request is unrealistic. Mr. Doherty said that this building has identical step-backs as 117 Broadway and that project got bonus space. Mr. Doherty said he was trying to bring a property that would contribute to the Town's commercial tax base. Mr. Doherty asked to be given consistent direction from meeting to meeting so they can move forward.

The Chair proposed continuing this hearing Docket #3602 until the August 17, 2020 meeting. Mr. Benson moved to continue the meeting on August 17, 2020 and Mr. Lau seconded, approved 5-0.

The Chair introduced the second agenda item, the continued public hearing for Docket #3625, 882-892 Mass Ave. Bob Annese said that meeting with Mr. Lau was very helpful and the team has come up with a new proposal. Mr. Annese said that this is a B2 zone and they are proposing to demolish the existing one-story storefronts and build 21 one-bedroom residential units and 1,300 square feet of commercial space. Mr. Annese said that there is a better commercial environment on Mass. Ave. so now the commercial property fronts on Mass. Ave. and access to the residential property will be on Lockland Ave. This site is contaminated already spend ¼ million on soil issues and expect to spend an additional million on remediation. Mr. Annese has a title evaluation and there is no proposal by the town or MBTA to enlarge the sidewalk, Mr. Annese proposes moving the building back 2 feet to allow more room for the bus shelter. There will be 25 parking spaces which complies with the parking requirements. Mr. Annese said set-back relief is needed for this project on the 4th story because the building is being moved back 2 feet. Mr. Annese said that the Board has the ability to vary that set-back. Open space proposed is 60 feet of usable open space, the landscaped open space is twice of what it should be. John Murphy from Summit Real Estate Co. said they took the feedback from the last meeting and came up with a new plan. Asking for relief for the top story step-back to make sure the top floor apartments are big enough. The building will include 3 affordable housing units, additional greenspace, and would like to incorporate solar. Aaron Mackie, Civil Engineer, from Alan and Major Associates gave an overview of the site and plans. Set-backs meet the requirements for a mix-use B2 zoning. 2083 square feet of impervious surface will be replaced by landscaping, will be requesting a reduction for usable open space. Mr. Mackie said they are proposing 10 exterior bicycle parking spaces. The site drainage plan meets the Mass. Stormwater standards. Adam Wagner Market Square Architects introduced himself and reviewed the architectural plans for this project including materials, plans for 34 bicycle parking spaces in the basement, elevations with neighboring buildings for scale, shadow studies, and photographic renderings of the proposed building. The Chair asked about the changes to the commercial space. Mr. Annese said that the commercial space has been doubled with this proposal, the space that fronts on Mass. Ave. is all commercial. John Murphy said that financial lenders will only base lending off of residential space since the commercial/retail space is not being taken into consideration when securing financing. Mr. Lau said he would like to minimize the signage on the front of building and add more windows in the retail/commercial section, elevate the cornice to have more of a sign band opportunity for the retail businesses. Ms. Zsembery said she is disappointed with the quantity of the retail space being provided on the first floor, the small size of the commercial space will make the space difficult to lease. Ms. Zsembery said a review of the materials and the façade should include more windows on the retail level and providing a sign band. Ms. Zsembery said that the overall façade does seem flat. Mr. Watson said he agrees with Ms. Zsembery regarding the retail space and does not feel that the commercial space looks inviting. Mr. Watson said he would like to see going forward more detail regarding the bike racks and layout within the space. Mr. Watson asked if there would be any additional requirements to enable the space to be used for food service. Mr. Mackie said that a grease trap would have to be installed before the sewer running to Mass. Ave. Ms. Zsembery said roof exhaust would also be required. Mr. Lau asked if additional relief could be granted to allow for larger retail space. Ms. Raitt said that an additional story may not

work with project but she said that she is happy to investigate it. Ms. Raitt said other scenarios should be explored that the applicant should devise a plan to address these issues. Mr. Annese said that the retail spaces on Mass. Ave. have had difficulty with vacancies the client has to come up with financing to make this project happen. Mr. Murphy said in order to get the financing to deal with the environmental issue the additional housing units have to be included. Mr. Watson said that he is not sure that the plans meet the mixed-use requirements. Mr. Annese said that he would like the Board to look at the requirement that applicants have to go in front of the ZBA for variance for open space after working with the Board. Mr. Watson said that he is willing to continue to work with the proponents. Mr. Benson said he does not have a problem with the amount of commercial/retail space especially if the floor plan is flexible. Mr. Benson said that the roof exhaust vent should be included in the plans in case a restaurant would like to lease the retail space. Mr. Benson would like to see a higher LEED score for silver certification and at least one electric car charging station in the parking lot. Mr. Benson said he would be comfortable giving the set-back on Lockland Ave. as long as the applicant does not exceed the existing non-conformance on Lockland. Mr. Benson said he does not believe that the ARB has the authority to waive the 4th story step-back according to the bylaw.

The Chair opened the floor for public comment. Ben Rudick 40 Webcowet Rd. was sad to see Toraya sushi restaurant go. As a member of Arlington neighbors for more neighbors it is wonderful to see housing being proposed, especially smaller units on Mass. Ave. near a bus stop. Mr. Rudick said he is excited to see this project get built, hopes the Board can resolve the issues around the mixed-use intention of the area, allow other variances that allow mixed-use without eating into the residential area. Mr. Rudick said more housing of all types is needed in this area.

Christian Klein 54 Newport Street was happy to see some of the proposed changes including: the buffer around the bike shelter and the space around the side walk, long term bicycle parking, short term parking at the front of the building. Mr. Klein said he would like to see more vertical greenery or climbing plants to soften that edge. Commercial spaces are very shallow which might be a problem attracting tenants and there is no buffer between the residential units facing the parking lot on the first floor. Mr. Klein asked if the project would still be viable to allow the commercial space on the first floor to go full depth. Mr. Klein asked if excavation for hazard mitigation would allow for ground source heat pumps and option if already digging up the site. Mr. Klein said usable open space is supposed to be 20% and currently the proposed building has zero usable open space. Mr. Klein asked if leveling the site allows the owners to maintain the pre-existing usable open space non-conformity. The Chair said he would take the usable open space non-conformity into consideration as the Board works with the applicant.

Carl Wagner 30 Edhill Rd. said he feels like the proposed building looks like it looks in a city, not a Town. The size of the building makes the building across the street look small by comparison. Mr. Wagner said the Board should uphold the rules of the B2 zone for businesses that support the neighborhood. Mr. Wagner said Town Meeting voted for the mixed-use building bylaw in 2016 and now feels that this is a misuse of the mixed-use law with. Mr. Wagner said that Town has to look at the mixed-use law or substantially change it. Mr. Wagner said that perhaps the building should be three floors would help with the problems with parking and the ridiculous size.

Don Seltzer reviewed the slides he submitted for the meeting. Mr. Seltzer said that the rear parking lot is undersized and does not meet the bylaw dimensions. Mr. Seltzer said that a three story apartment building with first floor retail/commercial space would fit this space. Mr. Seltzer said that he feels that is what the bylaw was intending.

Aaron Hollman 12 Whittemore Street said that this is an inappropriate use of the mixed business district, not intended to do

a wholesale conversion to change a business district into all residential leaving only a token amount of business. Mr. Hollman said that this is not what the bylaw intended. The problem is the removal of the 2,500 square feet per unit that is typical of residential Arlington. The business use should be expanded to include the entire first floor, too many of the units in Arlington are already too small. Arlington needs larger spaces like Punjab and Acitron did by expanding into multiple spaces. Mr. Hollman said he would like the Board to ask the applicant to create more business space. Mr. Hollman said he is seeing a lot of hearings with applicants are pushing the limits and just because the Board has jurisdiction to waive certain requirements does not mean that they have to do so and continually push the limits of zoning.

Barbara Thornton said that she remembers when the Seaport District was being developed and it took 25 years to be developed and would not like to see that happen in Arlington. Ms. Thornton said that she would like to see the property developed and would like to see a 5 or 6 story building. Ms. Thornton said that due to the current economy the Town should take advantage of this offer because Arlington may not receive many offers for development much longer.

Steve Revilak is glad to see the proposal that adds housing, particularly small units on a public transit stop. Mr. Revilak said that he is happy to see a proposal that triggers our exclusionary housing bylaw and adds to our subsidized housing inventory. Mr. Revilak asked about the environmental conditions on the site, he asked if the owner would have to remediate the site regardless. Mr. Revilak asked what the possible alternatives for the site would be if this proposal does not go forward. Mr. Murphy said that as soon as the environmental issues are flagged they are required to take the building down to take care of the issue or face fines. Mr. Murphy said this proposal is the only plan that makes sense financially. Mr. Murphy said that otherwise they would have to wait for another opportunity. Mr. Revilak said then basically a hole in the ground and Mr. Murphy said yes.

Pam Hallett, Executive Director of Housing Corporation of Arlington, said that on her waitlist of roughly 400 households the major demand is for one and two bedroom housing units. Ms. Hallett said the one bedrooms make so much sense right on Mass. Ave. by the bus stop. The units are great for young people, couples, or singles that are downsizing. If the building is less than 60 feet tall why could they not do a 5th floor that would provide a few additional units. Ms. Hallett said we definitely need the affordable housing piece and hope this moves forward.

JoAnne Preston said she would like to remind people that the Chair of the Finance Committee said that the greatest problem in Arlington in terms of the tax rate is the low ratio of commercial property compared to residential. Ms. Preston said mixed-use was supposed to be mixed-use and this just does not do that. A lot of people are in need of taxes because they cannot afford the taxes in Town. Ms. Preston said she does not support having such a small commercial space that is hard to rent out, will need the whole first floor if this is going to be a true mixed-use building.

Mr. Lau moved to continue this hearing on Monday, July 20, 2020 at 7:00 PM, Ms. Zsemary seconded, approved 5-0.

The Chair introduced the next agenda item, Discussion: Thorndike Place Comprehensive Permit. Ms. Raitt gave an overview of the project, which is a M.G.L. c. 40B project and does not fall under the Board's purview. Ms. Raitt said that the plans will go before the ZBA again at their next hearing with feedback from the Board. The plans will also be reviewed by the Conservation Commission. Mr. Benson suggested lowering the AMI percentage for the affordable units to 70% to match the Town bylaw. Ms. Zsemary said that there is a lot of opportunity regarding the building design. Ms. Raitt asked Ms. Zsemary to submit specific guidance to improve the design to look less institutional. Mr. Lau asked about the 40B requirements for the Town. Mr. Watson suggested that the development should meet the new bicycle parking requirements.

The Chair decided to continue the following agenda items until the July 20, 2020 meeting:

Presentation and Discussion: Whittemore Park renovations, Director's Updates, Meeting Minutes (4/27, 5/4, 5/18)

The Chair introduced the next agenda item, Appointment: Housing Plan Implementation Committee. Ms. Zsembery moved to appoint Michelle Shortsleve to the Housing Plan Implementation Committee Mr. Watson seconded, approved 5-0

The Chair opened the floor to comment from the public for the Open Forum portion of the meeting.

Don Seltzer said that he tried to supplement the shadow studies submitted by the applicants for 1207-1211 Mass Ave. Mr. Seltzer asked that his calculations be doubled checked if the applicant disputes them.

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

Meeting adjourned.

DRAFT