

Arlington Redevelopment Board
November 7, 2018, 7:30 p.m.
Senior Center, Main Room, First Floor
Meeting Minutes

This meeting was recorded by ACMi.

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

STAFF: Jennifer Raitt, Director, Planning and Community Development

The Chair opened the meeting at 7:30pm and turned to the first item on the agenda, Environmental Design Review Special Permit – Public Hearing, 925-927 Massachusetts Avenue, Richard Fraiman for BF Arlington Properties, LLC.

Petitioner's attorney Robert Annese came before the Board. With him are Steve Allen, architect; and Mr. Fraiman, petitioner. The applicant is proposing renovation of the existing structure, which is deteriorating. On site there are three offices and one residential unit. Mr. Annese stated the owner proposes to renovate the structure and build an addition, and maintain three commercial units as well as three residential units. Mr. Annese stated they would not need parking relief, as the plot is already compliant and that Mr. Byrne [Michael Byrne, Director of Inspectional Services] has approved the designs; and perhaps in the future the property might be rezoned as mixed use.

Architect Steve Allen presented the application drawings. The existing footprint will be used, and there will be no conflicts caused by traffic circulation relative to the Stop and Shop next door. He stated there is not open space on the site; they are looking to add green space and create new landscaping. Mr. Allen confirmed the project would comply with the Zoning Bylaw, and no relief is needed. The property is nonconforming but this will be maintained. Mr. Allen stated the building will be more coherent as regards commercial/residential scale. He provided details on bike parking as well. Mr. Annese stated they will encourage residents to use their bikes if possible, and the design will fit well with the Master Plan. Mr. Allen presented lighting and plumbing details as well.

The Chair asked where trash storage might go. Mr. Allen indicated a possible location. The Chair asked if the lot lines would be fenced; Mr. Allen stated there is presently fencing on the site.

Mr. Annese mentioned Mr. Fraiman's role as a developer in the town, and his intent to fit the design with the Master Plan.

The Chair asked about the width of the driveway. Mr. Allen stated currently there are ten parking spaces available; this would not change, and the drive dimensions are sufficient.

Mr. Lau stated he generally approved of the design but two corner parking spaces do not work. Mr. Allen stated they could give up one spot to create adequate space. Mr. Lau stated that the building corner is right on the property line, causing the overhang to exceed the line. Mr. Allen stated they will look into adjusting the overhang. Mr. Lau asked about siding; Mr. Allen stated the building will be uniformly reclad.

Mr. West stated driveway will need management, possibly with paving or mirror, or a gate, to avoid pedestrian injury while backing out. He recommended discussing with the Building Inspector.

Mr. Watson commended the improvements on the site and asked how the existing structure is configured. Mr. Allen described the layout. Mr. Watson asked about irrigation and maintenance of green space; Mr. Allen stated this was in the plan. Mr. Watson asked whether bike parking could be made secure. Mr. Allen stated they would look into enclosure. There was a question about basement bike storage; Mr. Allen stated this also would be considered.

Mr. Benson expressed his approval of the improvements. He asked if bike parking would be for residents only and not for the offices. Mr. Allen stated right now the capacity is for residents only, with room for four bikes. Mr. Benson stated minimum needed is six. Mr. Allen and Mr. Annese stated they would look into designs for this, possibly hanging bikes. Mr. Watson stated an outside rack would be okay for the offices, but people should not be prohibited from bringing bikes into the building.

Ms. Raitt mentioned a small error in the application: in the zoning analysis, the frontage required is twenty feet, not thirteen.

The Chair opened the floor to public comment.

Chris Loreti asked the square footage of the office space. Ms. Raitt replied 2,620 square feet.

Mr. Loreti asked how adding a second story is not increasing the nonconformity of the front of the building. Mr. Allen and Mr. Annese stated the Building Inspector has indicated they are not. Mr. Loreti asked if there is anything in writing from the Building Inspector. Mr. Annese stated there is not. Mr. Loreti stated that there is an exception for a one- or two-family home if building within the footprint; since this is not a one- or two-family home, that exception does not apply, and according to the bylaw, this is an increase in the nonconformity.

Mr. Loreti asked if there is evidence that the total lack of usable open space existed prior to the 1975 zoning bylaw requiring that space. He was asked to repeat the question. Mr. Loreti stated that the site has no usable open space; did it have no usable open space prior to the zoning bylaw requirement for usable open space in the R5 district passed around 1975? Mr. Annese replied the building was built in 1900, and the configuration has not changed since then. Mr. Loreti stated the question does not pertain to the building but to the usable open space. Mr. Loreti indicated the building may not be in compliance with usable open space regulations. Mr. Annese stated they are creating 480 square feet of landscaped open space. Mr. Loreti again questioned the legality of the usable open space, and stated they might cut down on parking to increase open space.

Mr. Loreti stated he saw the materials online but did not see how those elements were met to get the number of points arrived at, and hoped the Board receives that before voting on the project; and that they receive something in writing about the cladding materials. Mr. Annese stated the appropriate documents were submitted, with more information than they were required to give.

The Chair closed public comment and opened for Board discussion. Mr. Lau mentioned putting a softer edge along the fence; enclosed bicycle parking; and looking at the overhang at the front

Mr. West stated another condition is driveway safety when backing out.

Mr. Watson asked for the minimum number of parking spaces; Ms. Raitt replied eight. The Chair stated they lost one space, so they are now at nine, with another possible reduction due to buffer space. Mr. Watson stated he preferred reducing by one more space if possible.

Mr. Lau stated it looks as if there is sufficient space for a turnaround; Mr. Allen agreed.

Mr. Watson stated given the location of the building, this would be a good opportunity to minimize the use of single occupancy vehicles and to minimize paved parking areas.

Mr. Benson would like to see how the storm water would be handled. The Chair requested the applicant address water management. Mr. Allen stated they did not have a plan. Mr. Lau recommended an engineer into a storm water management school system under the paved parking.

The Chair asked if the Board was ready for a vote. Mr. Watson stated yes, as long as appropriate conditions are met -- reducing the number of parking spaces and enhancing bike spaces. Ms. Raitt noted secure parking for six bikes; Mr. Watson added, exterior bike rack for offices. Mr. West added, increasing the landscape buffer if possible, possibly losing up to two parking spaces.

Mr. West asked Ms. Raitt if she had noted Mr. Lau's conditions as well. She then read the conditions: increased buffer along the fence in the back, leading to a possible loss of up to two parking spaces; working on a general reduction of onsite parking; providing a plan to manage driveway safety; secure parking for six bikes, and installation of exterior rack for business use; addressing the overhang on the lot corner edge; addressing the storm water management plan with the town engineer; and final material review by the Department. Mr. West requested Ms. Raitt amend secure bike parking to secure and enclosed residential bike parking.

Mr. Lau motioned for a vote. Mr. West seconded. Board voted unanimously in favor of approval with conditions.

The Chair moved to the next item on the agenda, Continued Public Hearing -- Zoning Bylaw Amendment/ Medical and Recreational Marijuana Establishments, and stated that entered into the record are Chris Loreti's question regarding the use of retail and industrial zones, and the Town Counsel's response. The item was opened for public comment.

John Gersh of Kipling Road stated the twenty percent number seems drastic and punitive and might kill a real industry in compliance with the state vote.

Mr. Loreti stated that currently retail is not allowed in the industrial zone, except under limited circumstances, and retail marijuana should not be an exception. Regarding buffer zones, Mr. Loreti stated he was unaware that towns could make buffers more stringent than they are in state law, and suggested the Board look into this.

The Chair invited comments from Dr. Sarah Augood of the Marijuana Study Committee. She stated the buffer zone language was arrived at by comparing other municipalities and towns, balancing the safety of the community with the needs of the marijuana providers.

The Chair closed public comment and brought the matter back to the Board. Ms. Raitt stated that all comments and edits have been posted on the online agenda. Ms. Raitt stated they need to strike the existing definition of recreational marijuana establishment from the current bylaw and add new definitions; added "offsite delivery" in the marijuana retailer. Mr. Watson asked if in "marijuana use" definition, changes were made to conform to tables; Ms. Raitt confirmed. She added that "marijuana production facility" was amended to address collocation, striking the word "both." She referred to page 6, location regulations, B3 -- marijuana retailer not permitted within two thousand feet of another marijuana retailer, striking "or medical marijuana treatment center."

Mr. Benson stated this might mean that now two treatment centers might be allowed within five feet of each other, and requested similar language be applied to treatment centers. Ms. Raitt stated this language applies only to retail, not

treatment centers, which the Chair stated would be treated as medical facilities. Ms. Raitt stated the current buffer zones would address this. Discussion ensued.

The Chair invited comment from Dr. Augood, who stated that the intention was that any marijuana facility – recreational or medical – not be within two thousand feet of any other marijuana facility, recreational or medical.

Mr. Watson asked if, other than a collocated facility, there would not be a retailer within two thousand feet of either a retailer or a treatment center. Dr. Augood stated this was her understanding. Mr. Benson stated it doesn't make sense if they allow collocation.

The Chair stated he had no problem with a retailer close to a treatment center, as they serve a different clientele, and that a two thousand foot buffer between retailers is reasonable. He recalled the rep from the Massachusetts Patient Foundation stating that the likelihood of another treatment center opening was slim to none.

Mr. Benson proposed the same buffer apply between medical establishments as between retailers. Discussion ensued. Mr. West stated it was likely that medical marijuana would be phased out eventually, and retailers would stay. Board members agreed to use the same buffer language for both retail and medical facilities.

Mr. Watson made an editorial change, and the discussion moved to the twenty percent license cap.

Mr. Benson stated the state law uses the twenty percent of liquor licenses ratio. He didn't see any rational nexus between the number of medical marijuana retailers and liquor licenses. He suggested capping marijuana licenses at three, not two, and explained his reasoning, regardless of the maximum or minimum licenses set by the state.

Board members agreed they cannot go below the twenty percent cap minimum set by the state, but might allow for exceeding that minimum. Ms. Raitt stated the town could set limits with a ballot issue.

Mr. Watson asked if the intention was to limit it to a greater extent than state law. Ms. Raitt replied that the twenty percent cap was determined by the Study Committee.

Mr. Lau suggested striking the whole paragraph and referring back to state law. The Chair stated that would mean a default to state law, no more than two. Mr. Watson corrected this, stating there could be more than two. Mr. Lau again suggested striking the cap, and the buffers will take care of this. Discussion ensued.

Dr. Augood stated that because surrounding towns are no-votes, Arlington will attract business, and this requires a balance between increased business and risks, avoiding being overrun by marijuana establishments.

Mr. Benson suggested three licenses. The Chair agreed. Ms. Raitt amended the twenty percent cap to three licenses maximum. Regarding the industrial zone, Mr. Benson agreed with Mr. Loreti that retail marijuana facilities should be prohibited there. Ms. Raitt explained that limited retail is not prohibited in the industrial zone but is discouraged. Mixed use is allowed, but not residential. Mr. Watson stated if they do not allow marijuana facilities in the industrial zone, this would limit the number of suitable locations. Mr. West asked what the criteria is for mixed use; Ms. Raitt replied that a marijuana retailer that also does production would qualify; or possibly research and retail. The consensus was that this scenario is unlikely. Ms. Raitt stated the original intent of including industrial zones was because there are already limitations in place. She stated they could include PUD and multi-use zones.

Mr. Benson suggested making it clear that in order to locate in industrial zones, retailers would need a special permit from the Board. No changes proposed.

Ms. Raitt stated she will present a draft report; the Board initially agreed to meet again Tuesday the 13th, when they would vote on the draft. The Chair preferred to vote this evening. Ms. Raitt stated everything was in place except the new language from Mr. Benson. The Board rescheduled the meeting to the 19th.

The Chair proposed voting on the language of the bylaw amendments this evening, and voting on the report on the 19th, without an extra meeting.

Ms. Raitt stated the Board would be building on the bylaw amendments as amended, recommending them to Special Town Meeting on December 5th.

Mr. Benson so moved; Mr. Watson seconded. The Board voted unanimously in favor.

The Chair closed the public meeting and moved to the next agenda item, Sign Bylaw Amendments. Ms. Raitt handed out a summary of a meeting held on October 29th at the Ottoson. She stated stakeholder interviews have presented the greatest feedback on whether the existing sign bylaw is effective or not. Check-in point to be expected by the December 17th meeting. Ms. Raitt recommended Board members be interviewed by Erin, and barring that, send her comments.

The Chair moved to the next item, 2019 meeting schedule. Ms. Raitt requested a vote so she could post. Mr. Benson moved to adopt; Mr. West seconded; Board voted unanimously in favor.

Mr. West moved to accept September 17th meeting minutes as amended. The Board voted unanimously in favor.

The Chair moved to adjourn. Mr. West seconded. The Board voted unanimously in favor.

Meeting adjourned.