

January 4, 2021

Testimony for January 5 Zoning Board of Appeals Hearing on Proposed Mirak  
40B project at 1165R Massachusetts Avenue

Dear Chairman Klein and members of the Zoning Board of Appeals,

There are so many defects in this project and mistakes and misrepresentations made by the proponents and whoever wrote Arlington's "letter of support on behalf of the Select Board of the Town of Arlington" to MassHousing (August 30, 2020) that the project itself merits swift rejection. The specified letter appears to have been written by someone who is unfamiliar with Arlington and ignorant of its policies recognizing only the rejected regional density aspirations of the Town Manager and Planning Director which are surprising in view of the fact that Arlington is already the second most dense town in Massachusetts. Given the distortions and inaccuracies in this planned project it is obvious that under no circumstances should the project be given any of the requested waivers. The obfuscatory nature of the project application is such that the Town Manager had a responsibility to advise Mr. Hurd that he should not have signed the specified letter.

For example, since the Annual Town Meeting of 2019 the Town has been working to ensure that the Industrial District will be developed for commercial and industrial uses and not residential. On this understanding Town Meeting voted in 2019 to approve \$70,000 funding for a recently completed study to facilitate commercial and industrial development in the district – certainly not residential development. Indeed, additionally, the ATM of 2019 voted overwhelmingly to allow No Action on zoning proposals for increased residential density promoted by ARB, Planning Dept, Town Manager and promoted by MAPC and CHAPA. Curiously at around the time that Mirak's 40B project appeared a mention of residential mixed use suddenly was slipped into the consultant's Industrial Report. With respect to this surprising insertion the Planning Director and her assistant orchestrated a most reprehensible display of interfering with statements of the public - who expressed opposition to residential uses in the Industrial District - at the public hearing on the subject last month.

We have Industrial zones for a reason. There are many potential businesses that simply do not mix well next door to homes. Conflicts over noise, smells, fumes, dust, etc are bound to arise. So we deliberately create buffers through such zoning.

Using 40B to bypass the No Residential restriction of an I Zone doesn't just remove that one tract from the commercial base of the town. 1165R sits in the middle of an I Zone. Sticking an apartment building in the middle directly impacts the development potential of the other lots.

Clearly Mirak Winchester heirs are trying to bypass the NO RESIDENTIAL restriction in industrial zones by using 40B statute designed by developers to circumvent local land protections in exchange for providing around 25% of barely affordable units. The rents are too high to address needs of our low-income residents and so will not prevent homelessness in the most needy. This 40B development with a large majority of unaffordable units is NOT consistent with Arlington's Master Plan which specifies that the only housing types Arlington needs are affordable and senior housing. In addition it is NOT consistent with MassHousing's Smart Growth Criteria which specifically advise: "Foster Sustainable business," and "Protect land and Ecosystems" which the plan's removal of trees will not help. With respect to Arlington's endeavors for a Clean Energy Future does the project satisfy Net Zero standards? Are solar power and renewable energy properly utilized? Are vehicles required to be electric and are there adequate charging stations?

In short, the Mirak heirs' plan is to convert two acres of Industrial zoned property to purely residential use. Presented as a 40B project, it is not subject to local zoning laws or many other regulations. The Miraks own much commercial property in town which may be headed for similar redevelopment destroying Arlington's plans to bring commerce, industry, jobs, internships, commercial taxes to Arlington. Taxes and school costs are escalating. Arlington's Planning and Economic Directors and Town Manager have not brought economic development to Arlington and are damaging its opportunities for such by supporting this 40B development. Why are they accepting very generous Arlington salaries while their work involves that for other entities—for example see the Arlington Town Manager's name on the Town of Foxboro's Housing Production Plan?

Tragically the 40B project will render futile the hope that Arlington can quickly take advantage of the tremendous potential of our Industrial districts because of our abutting Alewife district:

*With recent major deals and more on the way, West Cambridge's Alewife neighborhood has emerged as a life science cluster that any other city in the nation would love to claim as its own...*

See: <https://www.thedaviscompanies.com/life-science-growth-spurt-transforms-alewife/>

The needs of these industries include small start-up facilities, spin-offs in technology and life sciences and do not all require large campuses—one should remember the Wang computers started in Arlington. Some of this development is literally a stone's throw away from Arlington. Compare the Alewife numbers with Arlington rentals for such office/lab space that run at about \$30 per sf or less. Why can't we attract some of this business? The inaction of Arlington's Planning and Economic Directors to do so is unconscionable. I have expertise and advanced degrees in both molecular biology and medical sciences and see the loss to the community in terms of interesting jobs for residents, internships for our diverse body of black, brown, white students, and ability for more of our residents to work here in town as inestimable. The approval of the Mirak 40B project would ensure this loss.

The letter writer's suggestion that "This proposal has been undertaken in a cooperative manner with the town of Arlington and builds upon a long history of civic and philanthropic engagement and community involvement by the proponent" is simply not the case. Julia Mirak Kew is one of the Mirak heirs who lives in Winchester and certainly does not have the engagement with the community that the late John Mirak (a resident of Arlington) had. The mutually beneficial relationship between the late Jon Mirak and the town was obvious in the approval Town Meeting members gave for his zoning requests and his agreement at the request of Town preservationists not to destroy a historic house that he planned to remove. Instead of demolishing it he agreed to donate the house (Jefferson Cutter House now in Arlington Center) to the Town. At no time did he threaten the Town with a 40B project

Ms. Kew's involvement with Arlington includes her position as a member of the Chamber of Commerce where her activities might suggest possible conflict of interest. Instead of providing sufficient help to threatened restaurants or businesses she instead has tried unsuccessfully to promote zoning changes for increased residential density which would have enabled very lucrative opportunities for the Winchester Mirak heirs. This is surprising considering that Arlington is very dense and does not even have sufficient land for a new school (in fact because of this paucity of land AHS has to be rebuilt on its current lot at great inconvenience to its students and teachers). She even spoke at Arlington Town Meeting trying to persuade the members to make these zoning changes. Fortunately she did not

succeed. However, her current 40B project in Arlington (which was suddenly sprung upon the town with a tiny, local, poorly publicized meeting last year) will be ruinous for the economic development plans in the Industrial Zone for which Town Meeting has voted funding.

The letter's statements referring to "the many ways in which the project is consistent with goals and recommendations submitted relative to the site in the Arlington Master Plan, Housing Production Plan, Open Space Plan, and the Mill Brook Corridor Report." However, I can assure you that I can show the many ways in which the project is certainly NOT consistent with these reports and would be glad to do so at a more convenient time. I have familiarity with all of them. For example I attended every one of the many public meetings creating the Master Plan and I have read the Plan twice. Arlington is very close to satisfying the statutory 40B yardstick for affordable housing of 1.5% of buildable land area.

To their credit MassHousing did provide the opportunity for the Town officials to object to this proposal in the required *Comprehensive Permit Site Approval Application*. That document solicited comments from Arlington about any relevant concerns it might have and observations for determination as to whether the site is generally appropriate for residential development. However, apparently Town officials neglected to point out the inappropriate nature of the site for residential development and the fact that residential development is banned at that site.

If this 40B project is approved it would make the Town of Arlington complicit in *selling the Town down the river* to land hoarders, speculative developers and realtors who are interested only in exploiting the Town to milk it for the exorbitant profits currently available for residential development at huge economic and societal costs to Arlington. It will reward those, including land hoarders, landlords, and certain Town officials who have purposely inhibited the Town's economic and commercial development attempting instead to increase its density by building many thousands of residences despite, in some cases, inevitable displacements and evictions

In conclusion I respectfully request that the Zoning Board of Appeals investigate this project further and declines to endorse it thus preventing great harm to Arlington.

Patricia Barron Worden. M.A., Ph.D.

Former Chair, Arlington Housing Authority

Arlington Town Meeting member, precinct 8  
Former Chair, Arlington School Committee  
Former member, Permanent Building Committee  
Housing Plan Implementation Committee member  
Former Charter member, Human Rights Committee  
Former Secretary, Affordable Housing Task Force

Please include this testimony in the record of your meeting of January 5, 2021