

**TOWN OF ARLINGTON**  
**ZONING BOARD OF APPEALS**  
**MEETING MINUTES**

**DRAFT**

**Date:** May 13, 2021

**Time:** 7:34 PM

**Location:** Remote Hearing, 959-9632-2295

**Members in Attendance:** Christian Klein, RA, Chair, Patrick M. Hanlon, Kevin Mills, Stephen Revilak, Roger DuPont, and Aaron Ford.

**Attendance:** Vincent Lee, Rick Vallarelli, Jennifer Raitt, Paul Haverty, Marta Nover, Bill McGrath, Greg Lucas, Stephanie Kiefer, John Hession, Gwen Noyes, Art Jennifer Watson, Robert Engler, Marta Nover, Arthur Klipfel, III, Scott Thornton, Scott Vlasak, Bob Engler, Kyle Wheeler, Jeanette Cummings, Mark McCabe, Sarah Augood, Sean Keane, Jason Fligg, Michael Quinn, Susan Chapnick, Alice Bennett, Don Seltzer, Florence Murphy, Peter Fiore, Marci Shapiro Ide, Bancroft Poor, Gloria Horwitz, Clarissa Rowe, Heather Keith Lucas, , Loren Bernardi, GM Hakim, Beth Ann Friedman, Susan Stamps, Ann LeRoy, Matt McKinnon, Brooke Olson Blair, Brid Coogan, Florence Murphy, Steve Moore, Alice Bennett, Jeanette Cummings, Loren Bernardi, Michael Quinn, Diego Gianolio, Patience Terry, Elisabeth Carr-Jones, Lisa Fredman, Steve DeCoursey, Calpurnia Roberts, Gary Gryan, Thomas Mason, Pamela Heidell, Anita Gryan, Eva Bitteker, Anna Kukharskyy, Martha Ingols, Brian Rehig, Elaine Lyte, Yenhsi Liu, Alexandra Lee, Tania Fersenheim, Ed Schwartz, Michelle Shortsleeve, Sue Fish, Jennifer Griffith, Alan Jones, Jeff Geller, Barbara Rowland, Andy Forbes, David Barlow, Brian Dowling, Robert DiBiase, Thomas Mason, and Thouis Jones

1. **Chair's Introduction:** Chairman Klein opened the meeting at 7:34 PM. After reading the rules for remote hearings and going over role call attendance, the meeting was underway. Chairman Klein announced that the meeting was being recorded by ACMI and the recording would be available to the public.

## **COMPREHENSIVE PERMITS:**

### **2. Comprehensive Building Permit for Thorndike Place**

At the April 20, 2021 hearing the Applicant requested additional time to prepare design drawings showing the duplex buildings on Dorothy Road and a multi-family unit behind for public review. The revised drawings were submitted on Monday May 10th and posted to the agenda for this meeting.

This evening's discussion will focus on this new proposal from the Applicant and will open with a presentation from the Applicant followed by questions from the Board. After the Board and then members of the public will be able to ask questions and make comments.

**Stephanie Kiefer:** As the Chairman just stated, at the last hearing the Board had asked the Applicant to consider a design that would reintroduce duplex units along Dorothy Road that had been part of the original project proposal. The Applicant explained how they went back and took a serious look at things, and created a revised concept that was then presented to the Board.

Ms. Kiefer gave a quick overview of the revised concept. The Applicant believes that this new revised concept is consistent with a lot of the feedback that they received. She highlighted a few points: As the Board had requested, they proposed reintroducing townhomes; and also consistent with comments that had been made they would be ownership units. They would still be subject to 40B. Of the six duplex buildings, twelve units, 25 percent of those would be ownership to persons at low-and-moderate income levels. Those would be subject, as previously discussed, to a deed rider that continues on that affordability into the future.

Ms. Kiefer went on to explain that changes that sort of flowed from that was the apartment building that they had on the project site, originally, they had those three tabs that were right on Dorothy Road. They would need to pull that farther back from Dorothy Road to make room for the townhomes. In doing that they took into account what other improvements could they make to address what they had been hearing in the public hearings.

They have reduced the size of the building, so the footprint of the building has been reduced. In addition, from pulling it back from Dorothy Road, it's step-backed further in certain places. The closest portion of the apartment building part of the project to Dorothy Road is about 103 feet, and then the western portion swing's back even farther, 145 feet, and there is a little tab that is 171 feet from Dorothy Road.

In order to give the Board some context to what those numbers mean, she shares it is almost like a back lot and then the footprint of the building is reduced, but also, they are proposing a different program for it. So, it would be senior housing, and it would be assisted and independent living, a mix; 126 units total. Ms. Kiefer refers to her cover letter in the concept plans that were submitted, this is consistent with the master plan on page 88, that reference the need for the aging population of Arlington, and that there would be a shortage in the future. She believes this addresses it two ways: one by keeping it a rental you have the ability for Arlington's residents to sort of age in place. You have someone coming into an independent living then as their needs progress they may need to move to the assisted living side. They are able to stay in the same community with friends and family within Arlington.

In addition to providing that need, the revised program also responds to the concerns about the amount of parking on the site. Assisted and independent living tends to generate less traffic and therefore the needs for parking are greatly reduced. Scott Thornton was there to explain how the ITE parking scenario works out.

The overall parking count would be 95 or 96 units, 85 within the garage parking, and then only 10 surface parking spaces. It greatly reduces that and she goes on to explain another benefit is that it reduces the impervious surface so that the western side of the property becomes open space. Where they had that western surface lot and then a children's play lot, that would now be available for green open space, gardens, lawns that type of thing.

Ms. Kiefer explains that they made a progression chart which she has Mr. Thornton put up on the screen so the Board could see how Thorndike Place has changed in the course of the public hearings.

The progression chart summarizes the history of the proposal. The original proposal from mid-2020 had 219 apartments and 12 units in duplexes on Dorothy Road with a 207 multi-family apartment building behind that. The proposal was then revised in the fall of 2020, when it was pared down to just multi-family, and it was reduced down to 172 units. The current proposal that is being presented has a total of 138 units; 12 duplex style fronting on Dorothy Road in six buildings; and behind it, a 126-unit senior living; assisted and independent living. Twenty-five percent of the units will be affordable rental units.

Ms. Kiefer goes on to explain that the largest change is the amount of parking would be required. Originally when they had the townhouses and the much larger multi-family building, it included 309 parking spaces, 178 of those were garaged with 131 surface spaces. The previous plan that they had been discussing had 178 garage and 15 surface, and then the plan that was currently being presented is a total of 96 total parking spaces, 86 garaged and 10 surface parking spaces.

Continuing on, Ms. Kiefer shows the layout of the project originally had those townhomes on Dorothy, and then had the two-winged multi-family building. The 172 units just had those three front tabs going towards Dorothy, a long spine that was about 415 feet in length, and then some tabs going off to the rear. The closest portion of that multi-family building was 25 feet off of Dorothy Road.

In the plan they are currently proposing, those duplex homes come back in. They are right on Dorothy Road; they present that neighborhood feel that they heard was important to the Board and the neighbors. In addition, they also help to provide a buffer for the senior living apartment building that is going to be behind that. The apartment building has been moved further back off of Dorothy Road. Not only is there now a buffer, but there is a reduced distance from the senior living building which helps with the massing scale.

Ms. Kiefer now moved onto the ground water and flood plain design. The garage was at elevation 2.83, and the first-floor of the 172 unit multi-family building is at elevation 13. She says that John will go through this in much

more detail. Ms. Kiefer points to a slide showing the garage level which they raised it up, so it is going to be at elevation 6. It is going to be above the water table. The first-floor elevation for the senior living will be at elevation 16. The duplex townhomes closer to Dorothy Road will be at elevation 12. There is going to be no underground garage parking, instead there is just driveway and a carport between the two.

Ms. Kiefer finished with, the open space amenities. The prior design had a children's play lot, and then it had the courtyards in the rear, and one in the front. The revised design, because the footprint of the senior living is smaller, and the parking requirements are much reduced, they have the ability to make the western side space really nice with the open space with gardens, lawn, benches which are all concepts for now of what is possible. Then there is a courtyard to the rear of the building. When you enter the property and are going into the senior living drop off area it is going to be treelined. It is going to be a little boulevard for guests and visitors. The current plan has much more open space amenities than the prior design.

Ms. Kiefer turns the presentation over to Gwen Noyes, Architect and Developer.

**Gwen Noyes:** Ms. Noyes takes over the presentation and takes everyone on a tour of the site plan, through a slide show.

Ms. Noyes points out that the proposed duplexes are smaller than the ones across the street. Each of the townhouses has a small yard in the front of their homes, and driveways that allow access to a carport or a garage. They haven't decided exactly about that, but there is room for one car in the garage or carport and one on the driveway. The elevation of the driveway is 11 feet so there is no danger of flooding. There is a small backyard on the side where the assisted living is, but it is a private little backyard and there is a roof deck also included with all these townhouses. They are built to have three bedrooms plus a den. They probably will have a basement, but it is not necessarily the whole house, and it certainly is not vulnerable to flooding, because there would be no way into it that would be below a 12-foot elevation.

Going down Dorothy Road to the entrance of where the new project would be, the assisted living building. They are showing a buffer planting area between

**Comment [cmk1]:** This is confusing, as the driveway is at 11.

the property line and the house next door. So there would be room for a screen there. As Ms. Kiefer mentioned this area, on the last plan, was designated a parking area and a playground area. What they are showing on the slide is a variety of uses that could be put in. They are showing four parking spaces that are adjacent to it.

Continuing from the driveway, entry drive, a left turn into the tree-lined drive that would go up to the entry of the facility. She is showing where the entry would be. There is guest parking on the way in, the drawing is showing it angled but it's been discussed with John that it would be much better at 90-degree parking. This is also where deliveries and movers, trash removal would take place.

The entry to the garage is now at elevation 6, and there would be fewer cars on this plan. This would be where staff and residents would park. She points out that there could be solar panels on the roof as well as it could be a blue roof with water retention, depending on their studies. This would be a very energy efficient green building probably all electric, and she explains that was something the team tried to incorporate into the designs.

There is a fire road and a walking path. The fire road is in the same place as it was in the earlier the design. The footprint of the building is largely the same as there are just minor changes. In regard to all the wetland's considerations and setbacks for flood plain and so on, there are very minimal tweaks that have happened. They are planning to do woodland restoration. She has been told that the width of the road is precisely what is on the plans for Arlington. It shows the new trees along the street and showing a seven-year growth, they would not be putting in large trees at the beginning, but they would grow. And they have a slight variation in the plans between the duplexes so that it isn't the same exact thing.

With this she turns the presentation over to Scott Vlasek (architect) and Arthur Klipfel (architect/developer).

**Scott Vlasek:** Mr. Vlasek talks about the townhouses along the road, pointing it out on the screen. They are making an effort to use residential forms, residential vocabulary that will fit into the neighborhood. He's trying to break

up the facades with various trims, overhangs, fenestration, and different color accent siding so that these units won't appear the same. The units inside will, however, be very similar. There is quite a bit of landscaping along the road and plantings along the property lines that will further help to screen the four-story building behind.

**Arthur Klipfel** Mr. Klipfel adds that the townhouses themselves are typical for the neighborhood, they are at 2 ½ stories, there is one bedroom upstairs and two bedrooms and a study on the second floor, and the living, dining and kitchen on the first floor. Each building has two separate units in it with two completely separate entrances. The back deck that Ms. Noyes mentioned would be on the third level.

**Scott Vlasek:** Mr. Vlasek shows another slide and mentions that the carports would be open on the front and open on the back if carports are chosen over garages. The next slide goes over a more technical side of the materials that could be used. They could use cementitious siding, or similar siding that would be low to no maintenance. They would use different colors and different textures and patterns to break up the façade. Mr. Vlasek points out that someone walking along Dorothy Road and standing outside of the property on the other side of the street, they would not be able to see the senior apartment building over the top of the duplexes/townhomes. The whole building has been raised in order to move the garage level from 2.83' to elevation 6.'

**Arthur Klipfel:** Mr. Klipfel goes on to explain that there will be a large porch, 62' x 13', in the rear south side of the apartment. The apartment will have a commercial kitchen, a dining area, and common spaces. The independent living side might need offices, it is not yet designed. They have an outside architect that is consulting due to his expertise that will help design the senior and assisted living building. The delivery area will have a truck lift and possibly a trash room and more. The assisted and independent living units are the same size, but the assisted living portion needs more common areas. There would be studio units, one-bedroom units and a few two-bedroom units. There possibly could be some memory units which would be the same size as the assisted living.

**Gwen Noyes:** Ms. Noyes states that the footprint is 32,708 square feet.

**John Hession (Civil Engineer):** Mr. Hession now takes over the presentation and points out the emergency vehicle access road and pedestrian path surrounds the building on three sides the east, south and west sides. It is in the same location that was shown on the 172-unit single building multi-family. So, they really locked that in, and treated it as a limit of work, and kept this revised development program within that same envelope as to not encroach any closer to the wetlands or buffer or AURA.

Mr. Hession did want to highlight: This plan and the 172-unit plan that proceeded, that dated back to November, has no work proposed in wetlands either bordering vegetative wetlands, or isolated vegetative wetlands. He just wanted to make that point clear. It's been discussed that this project is still in wetlands or there is work in the wetlands. This project has no or the 172-unit or this revised version proposes no work within BVW or IVW. Because they kept the limit work to the original location of the emergency vehicle access drive, there is no additional permanent improvements proposed within the 100-foot buffer for the 100-foot AURA under the Arlington Wetlands Bylaw.

They had that some limited portion of the building proposed in a 172-unit proposal and the emergency access drive in that portion of the AURA. Then when he confirmed the existence of the isolated vegetative wetlands on the east side the emergency vehicle access, a portion of the access is in the outer limits of the AURA.

Another point Mr. Hession raised is the 172-unit multi-family building, it had the footprint of the building but the footprint of the garage actually extended beyond the footprint of the residential portion of the building. The three courtyards, the two in the front and the one in the rear southwest corner were all courtyards over the garage. They were essentially impervious areas. In the present plan the garage footprint is limited to the footprint of the senior living building. Anything on the site plan that is not either a driveway, parking spaces or shaded in gray on the slide, which is the senior living building and the duplex buildings, is pervious areas. So there is a significant reduction in the total impervious surface areas with this revised development program with the



reduction in the density and the reduction in the impervious area, it really opens up a lot of flexibility and a lot of opportunity to provide more options to the storm water management design.

Storm water management again with the reduction in impervious area, is not going to be as much of a challenge as it was on the 172-unit proposal. We demonstrated with BETAs peer review that we were able to accomplish that. With this plan, there is a lot more flexibility and opportunity to do some different things.

Mr. Hession goes on state that the last thing he wanted to mention on that is also by raising the senior living building, they're raising the ground around it which provides some more separation from ground water which again gives them more flexibility to look at ways to address that storm water management.

In summary on that, Mr. Hession thinks that they demonstrated that on the larger 172-units they were able to meet the storm water requirements and here although this is a really conceptual level presentation, he can confidently say that with this program the civil engineering challenge of that just got significantly easier to accomplish.

**Arthur Klipfel:** Mr. Klipfel states they made a significant decision here to move to senior housing. The decision was based on what they were hearing loud and clear and even experienced the traffic on Lake Street at peak hours is very challenging to say the least. Assisted living tenants, independent living people most likely would not be driving, and if they did, probably not at peak hours. These are all things that are hard to verify with numbers and charts, but it makes sense. They are going to work on that to try to be a bit more definitive about that. The staff would have the ability to use the Red Line. Overall, they are making a major move in trying to lessen the traffic and parking impacts.

**Scott Thornton:** Scott Thornton, a traffic engineer with Vanasse and Associates introduces himself. He says that common sense will tell you that 126 units senior housing complex will have a smaller traffic and parking impact than 172-unit apartment building. This development has fewer units, less parking, and a different type of resident profile. They are still working through the numbers, and they did go through the parking calculations; they will be able

to accommodate the parking requirements for the senior housing within the garage under the building, with additional surface spaces for visitors. Based on ITE parking generation data, they need between 64 and 80 spaces for the two uses. As was indicated earlier there is about 86 spaces in the garage so they can easily accommodate that demand. That is also consistent for the assisted living component that is consistent with the town bylaw which requires .4 spaces per unit. They have another 10 surfaces spaces that can be used for visitors. They feel they can accommodate the parking demands for the project.

He goes on to that in terms of the traffic calculations, and they are still finalizing those numbers, in order to generate the traffic volumes that were anticipating with the apartment complex they were reliant on a pretty aggressive TDM program. Most of the travel associated with senior housing or seniors in housing is discretionary in terms of the time of travel. Some IT data indicates that the assisted living components have their peak periods in the middle of the day, rather than during peak hours, and that is really visitors and staff.

Mr. Thornton turns it back over to Stephanie Kiefer.

**Stephanie Kiefer:** Ms. Kiefer states she wants to thank the Board for challenging them at the last hearing to ask them to look back to reintroducing the duplex because she thinks it had them look at a number of things. She also went on to thank the Board for its consideration of their presentation of this alternative concept this evening.

Ms. Kiefer goes over what she believes to be the five or six key points:

- 1) The request to bringing back duplexes. They think that they can successfully do that, and it provides a consistency with the neighborhood and the scale. It provides buffering for the senior assisted living. It also does provide what they heard from a number of people that they wanted the kind of the streetscape that they were used to on the other side of Dorothy Road.
- 2) The amount of impervious area on this revised plan is significantly reduced from the original plan. They now have the whole western side that is available for open space now that creates a very nice opportunity there.

- 3) The buildings for the four-story senior assisted living building are completely out of the water table. The garage is at elevation 6, and the first-floor elevation 16. And then duplexes on the front of the street they're at elevation 12, and the road itself is somewhere around 9 ½ or 10.
- 4) They think that the decrease in density from 138 to 126 being senior and assisted living, along with the reduction in parking, gives them a reduction in base generation.
- 5) Then the size of the apartment building itself has been reduced.

Those are some of the key features. A lot more of the subfeatures were presented through others. They are happy to answer any questions the Board may have and requested the Board to support this revised concept plan at the end of the evening's hearing. She also requested the Board take a straw poll to see where the Board is on this. If there is support for, they will continue down this path. If there is not support for this plan, they would go back to the 172-unit apartment plan.

That brings the presentation for the Revised Draft for Thorndike Place to a close.

**Chairman Klein:** Chairman Klein thanked everyone for a very thorough explanation of all aspects of this project where it is a such a departure from what the Board was looking at before.

Do members of the Board they have any specific questions they would like to ask at this time?

**Patrick Hanlon:** Mr. Hanlon wanted to go back to the question of how it is that changing over to the combination of the duplexes and senior assisted living and independent living how that works along with the reservation of the affordable units? His understanding is you are talking about three of those units being affordable with a deed restriction which is essentially perpetual; is that correct?

**Stephanie Kiefer & Arthur Klipfel:** Yes, as I understand it.

**Patrick Hanlon:** Mr. Hanlon asks what is the level of income affordability for ownership?

**Stephanie Kiefer:** It's 80 percent.

**Arthur Klipfel:** It is the same for rental and home ownership.

**Patrick Hanlon:** Mr. Hanlon asks if 25 percent of both the independent and assisted living units are affordable at the 80 percent level?

**Stephanie Kiefer:** That is correct.

**Patrick Hanlon:** Mr. Hanlon continues, is that split proportionately between the assisted living units and the independent living units? How does that work out?

**Stephanie Kiefer:** Ms. Kiefer responds that she believes that it is, but Bob Engler if you're on the line can you field that.

**Bob Engler:** Mr. Engler, consultant to the applicant, says it is the same thing as one, two and three bedrooms you have 25 percent in each category. In this case the category is assisted and independent, so your 25 percent is in both areas.

**Patrick Hanlon:** Mr. Hanlon just to make sure it is clear on the record, the restrictions there are essential perpetual; is that correct?

**Stephanie Kiefer:** Ms. Kiefer states that on a rental you have it built into it. When you have home ownership it goes with the deeds, there is a regulatory agreement that provides for the continued affordability.

**Patrick Hanlon:** Mr. Hanlon asks over what time does that rental agreement provide for affordability?

**Bob Engler:** Mr. Engler explains that it's in perpetuity basically because the regulations state that you have to prove that there was no further need for affordable housing to get released from that stipulation. So in effect it is staying on forever.

**Patrick Hanlon:** Mr. Hanlon has a question about the townhouses regarding the half stories: Have you looked at our bylaw to see how a half story is calculated or

is that a generic statement that would comply with the half story requirement in our bylaw?

**Stephanie Kiefer:** Ms. Kiefer responds she would need to double check what the bylaw said, the version that is applicable to this project. If it didn't comply, we would request a waiver of it. They haven't updated any waiver lists.

**Patrick Hanlon:** Mr. Hanlon asks on the height and feet, did he read the chart correctly that the ridge-line of the duplexes is 40 feet high?

**Stephanie Kiefer:** Yes, it is 40 feet. The highest peak is 40 feet.

**Patrick Hanlon:** Mr. Hanlon states, the bylaw, if he's not mistaken, also has a maximum height of 35 feet.

**Chairman Klein:** Chairman Klein states that would depend on the zone district and I believe this is a PUD district which has a higher threshold.

**Patrick Hanlon:** Mr. Hanlon, so is the 40 consistent or not consistent with the underlining zoning now?

**Chairman Klein:** Those are all under the PUD district and I don't recall the maximum number off the top of my head.

**Stephanie Kiefer:** Ms. Kiefer steps in and states it is 80 feet, but for when it's residential it is 5 stories is the tallest. So, everything is well below that five-story limit.

**Patrick Hanlon:** Mr. Hanlon states the rest of the neighborhood is not PUD, right? So they're probably at 35 feet while this is 40 feet. So if you looked at the site plan these look to be narrower and taller than the duplexes across the street; is that correct?

**Stephanie Kiefer:** Yes.

**Patrick Hanlon:** Mr. Hanlon says later when we do the straw polling, he feels that this is a very positive change and is very pleased with it.

**Stephen Revilak:** Mr. Revilak has a few questions. He just wants to confirm what is the surface elevation of Dorothy Street?

**Stephanie Kiefer:** Ms. Kiefer believes it is 9 ½ feet.

**Stephen Revilak:** He also assumes the district regulations for PUD do not include assisted living as a use? So, I presume that would be coming in a waiver at some point?

**Stephanie Kiefer:** Yes.

**Stephen Revilak:** Mr. Revilak asks that slide 8 or 11 be pulled up. He wants to see where the rear property line of the duplexes will be, roughly.

**Stephanie Kiefer:** Ms. Kiefer points out that it will be 10 feet back from the rear of the building.

**Stephen Revilak:** Okay. So, a ten-foot rear yard. And he notes that leaves a little bit of a buffer between the duplex rear yard and the senior building. And he was wondering what kind of screening they might be contemplating.

**Stephanie Kiefer:** Ms. Kiefer responds and asks to go back to the site plan, what they have thought about, and the landscaper is not totally engaged, but there could be a 6' fence at the back of the small yard. What they are proposing here is really it's a landscape buffer. They feel you can do quite a lot with the space that is there in terms of having a nice planting area and then the walk. She believes it will be a buffer area that will be landscaped.

**Stephen Revilak:** Mr. Revilak referring to the sketch states he saw a bike on the sketch, and wants to know whether he should assume the blue bike station is no longer necessary or no longer contemplated?

**Gwen Noyes:** Ms. Noyes fields this question. She thinks this population would not be serious bicycle riders. She would encourage it still. It occurs to her that she didn't say it earlier, but she would love to see adult tricycles that would allow people to do a little shopping, and still have a degree of stability along the bike path.

**Stephen Revilak:** Mr. Revilak is aware for normal apartment buildings comprehensive permit projects usually have a 10 percent requirement for three bedrooms, and I assume for this use that is not applicable?

**Gwen Noyes:** That is correct.

**Stephen Revilak:** I presume we are still planning to use aggregate piles?

**Gwen Noyes:** Yes, if they use piles at all.

**Stephen Revilak:** Mr. Revilak states he knows that this is very early in the process but he was going to ask a couple of questions about how the new building would affect the drainage plan, and I think Mr. Hession partially answered them at least in the sense that the reduction in impervious surface makes the job easier. He was wondering if any of our colleagues from Beta can comment on that?

**Bill McGrath:** Mr. McGrath with Beta thinks in general a reduction of impervious space is going to be a benefit to try to manage stormwater on the site. They certainly still have to see the layout and how the footprint of that stormwater management system fits, but he agrees in general it is a positive in terms of trying to manager stormwater.

**Aaron Ford:** Mr. Ford feels that all the changes are very positive and he commends them all on what they've done. He's very pleased.

One of the major concerns he still has is the construction in the buffer zone of the wetlands in particular the bottom left corner of the building. He would like to know if it is possible to slide the building up a little bit or that wing up, so they are not constructing in that buffer on the left?

**Art Klipfel:** Mr. Klipfel explains that it is a challenge because of the layout of the parking below, that offset is about 42 feet, which is a parking dimension that is one space plus one aisle, and that's what established that. We can look into it but they might have to sacrifice parking spaces. He believes that 20 feet is a pretty safe dimension, they don't want to push the duplexes any closer to the street.

**Gwen Noyes:** Ms. Noyes stated that this is the way it was in the previous plan, and they would like to keep it this way.

**John Hession:** Mr. Hession wanted to point out this is the same impact that they have been working with into that AURA a couple hundred square feet basically since November when they submitted the revised plans, and the updated confirmed wetlands delineation. He thinks it is important to note too that construction in the outer limit of the AURA is not prohibited under the wetland bylaws.

Mr. Hession asked to look at the colored sketch, what is labelled down at the bottom of the drawing there “woodland restoration.” The thought and the idea is the commitment to remove invasive species, and remove the impacts of the homeless population that has been in and out on this property for years. There would be an opportunity to actually improve the AURA in that with a restoration in the area where they have that very limited building impact. He thinks if they aren’t able to move it, he does believe they have taken it into close consideration and looked at ways that could improve the values of that AURA with that restoration, with that invasive species management and woodland restoration.

**Aaron Ford:** Mr. Ford thinks that they are presenting a concept that is significantly better than what we had, but he would like to them to take a look to see what we could do because he has concerns about losing any wetlands or even the buffer zone of the wetlands.

**Kevin Mills:** Mr. Mills thanked the Applicant for an excellent revision of the plan and a lot of hard work in a short amount of time. He thinks it was a very good idea not including garages underground for the six duplexes. He believes raising the grade around the duplexes and the main building is very key. The garage is now above the water table which should intuitively cause less disruption to the water flow of the site and of the whole area towards Alewife Brook. He is also appreciative that it does address senior housing issues which is a key demographic to take care of.

Mr. Mills does have a question about the driveways with the six duplexes. The last duplex looks like it has the driveway coming in off the driveway of the apartments; is that true?



**Gwen Noyes:** Ms. Noyes responds, yes, that is correct. In order to use the space, have less pavement, they brought it in off the entry drive, and that is true on the other end also.

**Kevin Mills:** Mr. Mills knowing that they are really at the conceptual stage now, so many questions would go unanswered at this time, but people will be expecting answers to the questions of: How many staff? How are they going to get there? Where are they going to park? Where are they going to be on the site? What delivery schedules would be? And the impact on traffic? He does state though this will be an improvement over the original.

**Roger Dupont:** Mr. Dupont states he has a couple of questions about what the dimensional changes really are.

Mr. Dupont believes at the 172-unit stage, the total square footage of all four floors was 195,000 square feet and the footprint was around 54.5 almost. Today for the back building, he thinks he's looking at 32,708 per floor, and that is about 138.32. So there's a difference between those two of almost 64,000 square feet. He wants to know what the combined footprint is for the duplex units in the front?

**Gwen Noyes:** Ms. Noyes responds it is 6 x 1600. That is 40 x 40 is 1600 for one entire duplex. Then there are six of them which makes 9,600 square feet. The carport is not included and that would add to it.

**Roger Dupont:** Mr. Dupont inquired about a comment made by Mr. Hession about raising of the building. From the earlier meeting, the height above the street was 47 feet, and looking at these plans, I believe it is 60 feet now; is that correct?

**Scott Thornton:** Mr. Thornton responded that the roof is 50.5 feet above the elevation of the street.

**Roger Dupont:** Mr. Dupont turned to Mr. Klipfel, and asked if the building is divided into sections for independent living and assisted living?

**Arthur Klipfel:** Yes, that is correct. This still needs to be fine-tuned.

**Roger Dupont:** Mr. Dupont is curious, what happens if somebody needs to move from independent living to a more assisted living situation is that something that could happen?

**Arthur Klipfel:** Mr. Klipfel responded, that is actually something that happens very often as we understand. You just change rooms you would go to the other side. You would go into the assisted living side of the building.

**Roger Dupont:** Mr. Dupont stated that he understood that, but if you have the same percentages of affordable units for the assisted and independent. And if somebody had an affordable independent living unit and they needed to have assisted care, they would have to wait for a unit on the other side to become available in order to qualify for an assisted living unit?

**Gwen Noyes:** Ms. Noyes says that is a management question with something they have not had a lot of experience with but thought that Mr. Engler might be able to answer that question.

**Bob Engler:** Mr. Engler explained that the way it works is the resident can move into an assisted living unit whether it is a market or affordable, whatever the first turnover is, and if that affordable unit takes over from a market unit, then the next unit that opens on the assisted side has to be market. They keep the same ratio, but they don't stop somebody from moving.

**Roger Dupont:** Mr. Dupont says he is interested in seeing what the difference is in the traffic calculations because I believe your assumptions are different.

**Arthur Klipfel:** Mr. Klipfel noted there is one thing that wasn't mentioned that came up, there are more deliveries than we would have had with the multi-family building. But they do expect delivery people coming in the middle of the day, outside of peak traffic hours. Also, they are aware that with the assisted living not only will there be more deliveries, but also more medical personnel and emergency situations that would add to traffic as well.

**Gwen Noyes:** One thing from the other assisted living building we worked on in Lower Mills one of the reasons we located it there was to be close to a Red Line T stop. Many of the staff do use the T, and that will help with traffic. A nice path through the woods to the T stop would also be helpful, but that is just wishful thinking at the moment.

**Chairman Klein:** The Chairman inquired if there were any additional questions from the Board?

**Hearing none, Chairman Klein opens the meeting for public comments on the revised design for the proposed project.**

**The Chairman goes over the rules and policies for how public comments work, then opens the floor to public comments and questions.**

**Susan Chapnick:** Ms. Chapnick introduces herself as the Conversation Commission Chair in the Town of Arlington. She says she appreciates the thoroughness of the explanation of the changes to the plan. She also appreciates that the changes have tried not to impact the wetland resource areas or the flood plain. She understands that the flood plain is impacted greater than the previous plans, however the Applicant has said that the compensatory storage at the level of 2:1 can still be realized in the area proposed previously. That is something she would like to review, but that is good news.

As in terms of the encroachment of the new building footprint into the outside of the AURA, she wanted to remind everyone online that in the Town of Arlington the buffer zone is a resource area. So, it is considered a wetland resource area, so that is an impact. Sometimes the local bylaw and implementing regulations do allow for work within buffer zones with mitigation. Ms. Chapnick stated she believes the previous plan did not have any encroachment of the building on the south side into the resource area. She believes John misstated that. Previously the roadway impinged, but the building did not. She states she is disappointed, but understands there has to be some give and take.

**John Hession:** Mr. Hession says that on the previous plan the basement garage level it did encroach on the AURA, but not the residential living spaces above. The garage footprint hasn't changed. They just have living space over it now.

**Susan Chapnick:** Ms. Chapnick says that she was looking at Sheet C105 01/21/2021 and that did not correctly depict where that limit of work was in relation to the AURA? She states that was the plan that the conservation

commission reviewed in relation to what resource areas, and she believes it is the same plan that BETA group also reviewed.

**Gwen Noyes:** Ms. Noyes says it has been consistently shown that way, although it may not have been obvious. The last drawing for the previous plan showed a walk from the deck across in front of the units on the roof of the garage and then stepping down to the children's play area.

**Susan Chapnick:** Ms. Chapnick believes that was misrepresented because it did not include the underground parking if that is what they are saying now, which was not clear to the Conservation Commission and may or may not been clear to Beta at that time.

(Additional discussion, back and forth Ms. Chapnick and Mr. Hession.)

**Chairman Klein:** Mr. Chairman decides to move on and come back to that discussion when Mr. Hession has the document referenced.

**Marta Nover:** Ms. Nover, from BETA, says that she was able to pull up the plan that Ms. Chapnick referred to and states it definitely does not – it shows the footprint of the building outside of the AURA. It is really not clear that the parking was underneath it. Ms. Nover says, they will take a look at the next set of plans.

**Matt McKinnon** (9 Little John Street): Mr. McKinnon wanted to know why the decision was made to not include underground parking garages, and basements for the duplexes and townhomes?

**Arthur Klipfel:** Mr. Klipfel responds that they're contemplating half or full basements.

**Matt McKinnon:** Mr. McKinnon wants to know why aren't they taking this and moving it above ground like they are doing with the townhomes?

**Chairman Klein:** Mr. Chairman tries to clarify Mr. McKinnon's question. Is he asking why the apartment isn't raised in elevation so that it's parking doesn't need to be below grade? Mr. McKinnon says, yes, that is what he is asking.

**Arthur Klipfel:** There are many buildings of this type that have no garage.

**Matt McKinnon:** Mr. McKinnon chimes in what about basements, and asks why are there no basements?

**Chairman Klein:** Mr. Klein states to say that the duplexes do have basements they just don't have --

**Matt McKinnon:** Mr. McKinnon interrupts stating they were optional basements. He wants to know whether the basements are optional or not?

**Arthur Klipfel:** Mr. Klipfel states due to flooding concerns, they feel a half basement would make more sense.

**Gwen Noyes:** Ms. Noyes explains this is an early enough design that the word "optional" was a misspoken, they have not made a decision on how large the basements should be. They do believe there is value in having a basement, but it doesn't necessarily need to be a full basement. They don't want the basement to flood which is a concern.

**Matt McKinnon:** Mr. McKinnon wants to know if a basement is subject to flooding, then why are they putting cars in an underground parking garage?

**Gwen Noyes:** Ms. Noyes explained that in the area where they have the garage, it's very close to the grade level, the grade beyond the garage is about 7.

**Matt McKinnon:** Mr. McKinnon cuts in and says, but it is on top of the 100-foot AURA.

**Patrick Hanlon:** Mr. Hanlon requests that the Chairman advise Mr. McKinnon to let people finish their answers without interruption.

**Matt McKinnon:** Mr. McKinnon apologizes and states he just wants to get clear answers.

**Arthur Klipfel:** Mr., Klipfel tries to explain that there are a lot of different things that weigh into the positioning of a building. In this case we were trying to keep the building as low as possible, as dry as possible, and as you mentioned at the beginning of your statement there is ways to control this with drains, and drainage and pumps and all that kind of stuff. I don't think we need that here, but it is

something that if you can do what we are doing with the townhouses and have no ramps going down to the garage that is preferable, but sometimes as a compromise that is what you have to do.

**Gwen Noyes:** Ms. Noyes explains that the means of controlling grades, drainage and so on for a garage that has a one main entry and 86 parking spaces is much more manageable than managing drainage car- by -car.

**Heather Keith-Lucas** (10 Mott Street): Ms. Keith-Lucas expresses that she appreciates the concessions that the Applicant has made, and the return of the townhomes which are more appropriate in the neighborhood. She is still concerned about the flooding, and recognizes that this proposal is still in its infancy for the Applicant, so I do hope the ZBA can have more information about the comprehensive system of water drainage that will be included in their plans. She is concerned with the duplex style homes and water going through the front doors of these homes. She would like to learn more about how the water is going to flow from Dorothy Road into the properties.

Ms. Keith-Lucas has concerns about the underground parking for the independent and assisted living facilities. She wants to know is there a time limit for the property use or is the Applicant's proposal a commitment to permanent property use for independent and assisted living? She also would like to know how meal preparation is handled for the assisted living residents as she does not see a dining hall or kitchen in the plans.

**Chairman Klein:** Mr. Chairman responds to Ms. Kiefer in regards to the time limit of the use of the building. He assumes that if the use of the building is included in the decision for 40B, it is for the length the agreement is in place. It would need to remain.

**Stephanie Kiefer:** Ms. Kiefer responds, that is correct. If at a later date someone wants to change it, they would have to come before the ZBA, as the change would have to be built into the comprehensive permit. It's not like it can just change.

In regards to the second question, she explains that when Art was going through just the schematic of the first floor, he was showing the area that would be the commercial kitchen then the dining room for the assisted living. If the Board

wants us to continue down this design concept, we can provide more information in terms of how the interior layout goes. The first-floor schematic is very basic and as we go through this concept, we can go more into details on this and change and update.

**Heather Keith-Lucas:** Ms. Keith-Lucas has some questions for consideration by the ZBA. Given the nature of the assisted living facilities and independent, ensuring that we have enough access for emergency vehicles, and also good site lines in terms of the curbs in the road as well. She also echoed other statements that were made about not having any development in or near the buffer zone. That may require some additional modifications to the footprint of the building.

**Don Seltzer** (Irving Street. Mr. Seltzer is very pleased with the changes in this version, that putting in senior housing is an excellent improvement. This will certainly have some positive affect on the traffic particularly on peak hours.

He does have a few comments regarding the handicap parking spaces, they meet the minimum state and federal regulations for a parking garage of this size, but it's not realistic for a 126-unit facility for seniors. He strongly urges that the number of accessible spaces in the garage be increased.

Due to the fact that the duplexes on Dorothy Road are so tall, Mr. Seltzer does not feel they fit in with the character of the neighborhood.

His major remaining concern is the impact of street flooding on Dorothy Road. There is a provision in the bylaws Title 5 Section 11 that requires the posting of a bond to protect against flooding problems arising in the first five years, and he would like to ask is this bylaw provision among those that are being waived for this project?

**Stephanie Kiefer:** Ms. Kiefer says she doesn't know, and she will look into it.

**Marci Shapiro-Ide** (152 Lake Street): Ms. Shapiro-Ide and her husband have some comments. In general, she is still against anything being built here, that would be her first preference. However, she is glad to see the townhouses back, she does think they are still a little too large, and would like to see them shrunk down a little. Ms. Shapiro-Ide states she works with seniors and works with senior

housing a lot, and wonders if they can increase the number of affordable units. And although 40B's call for a minimum of 25 percent of affordable units, there isn't enough of affordable housing and she doesn't think 25 percent is enough. She would like to ask the developers to consider making it 100 percent independent living and at least 50 percent affordable. She also asks if preference can be given to local residents.

**Paul Haverty:** Mr. Haverty, counsel for the town, states the Board can impose a condition for local preference up to 70 percent, but ultimately, it's the subsidizing agency that determines the amount of local preference that can be allowed.

**Patrick Hanlon:** Mr. Hanlon adds that when we get to the discussion of this, local preferences are really quite controversial. When you have a local preference in a town that is racially as little diverse as our town is, you're essentially giving a preference to white people. That is why we have the 70 percent, and is why you can't go above that. The Board should think long and hard before asking for a local preference requirement.

**Chairman Klein:** Mr. Chairman asks the Applicant to consider the question about increasing the percentage of affordable units. He realizes it is not a question that can be answered on the spot.

**Stephanie Kiefer:** Mr. Kiefer states they will take that under consideration.

**Nicholas Ide** (152 Lake Street): Mr. Ide wanted to thank the Applicant for the new draft, he sees that some alternate thought has gone into it, and it is very much appreciated.

Mr. Ide has two main comments and a few small questions. The first is on the senior housing. He thinks that saying a lot of people will take the Red Line is making a lot of assumptions about where the workers come from. There are many places such as Lexington or Woburn or Burlington where people would not take the Red Line. So, you're assuming everyone will be coming from downtown or Cambridge and that seems to be a little bit of a stretch. The other thing is even if they do that it is a 16-minute walk to the train station, and he thinks workers are



unlikely to walk that far, especially in the winter. He is asking where the workers will park? Aside from where the staff is going to park and how that is going to work.

Mr. Ide is also concerned about the scale of the building. Every time they look at the plans there is a lot of pushing the limits on how tight things are stretched. When he looks at that emergency road it looks maybe wide enough for a smart car, but not three vehicles that always come with an emergency call in Arlington are going to get down that road if they need to and turn around. He is also concerned about the truck access and doesn't think it is big enough. He believes the building's size is being hidden, so he is concerned about the massiveness of the building.

**Chairman Klein:** Mr. Klein I would like to ask Mr. Hession to explain how the road that wraps around the backside of the property, how that is made up?

**John Hession:** Mr. Hession says that the emergency access path is 6' wide, porous asphalt that is reinforced earth material that provides a proper width for emergency vehicle access.

**George Michael Hakim** (10 Edith Street): Mr. Hakim shares the concerns of a fire truck turning into that emergency road with perhaps cars parked on the sides of the road. He thinks a senior facility will be beneficial in terms of traffic. He wants us not to lose sight of the massive amounts of garbage that has accumulated on this site for years, he would like to see that cleaned up before construction begins.

**Chairman Klein:** The Chairman noted that it is has been mentioned a couple of times the question about crowding in the school. The discussion of crowding in the schools is an implication that families would be unwelcome, and families are a protected group under federal law, so we really encourage people to not discuss school crowding as something that should be considered in this decision.

**Mark McCabe:** Mr. McCabe wanted to know what the independent living and assisted living apartments were going to look like, such as, studio, one bedroom, two bedrooms?

**Arthur Klipfel:** Mr. Klipfel explained that the assisted living will have a predominance of studios, which are a little less than 500 square feet, that is

an industry standard. There will be some one-bedrooms in the assisted living as well and for independent living where there is a predominance of one-bedrooms with a small number of two-bedrooms that would be the mix. There would be no micro-units and there would be no three-bedrooms.

**Mark McCabe:** Mr. McCabe asks, do you mean there will no three bedrooms at all within this development?

**Chairman Klein:** Mr. Chairman jumps in and states he believes that the duplex units are all three-bedroom units. Is that correct?

**Stephanie Kiefer:** Mr. Kiefer confirms that there are three-bedroom units.

**Mark McCabe:** Mr. McCabe goes on to clarify, do you mean the senior living and independent living building will have no three-bedrooms?

**Chairman Klein:** Mr. Chairman confirms that is correct.

**Mark McCabe:** Mr. McCabe also has a question regarding snow removal from the whole area. He would like to know who is going to be responsible for it, and where the snow is going to go, so that it doesn't flood people's basements/cellars?

**John Hession:** Mr. Hession states that they haven't located the snow removal, but the area would be graded so that the snow melt flows away from the abutting properties.

**Mark McCabe:** Mr. McCabe joins in on the discussion about vehicle use by the elderly and people working on the property. He would like to know why there are just assumptions and not numbers?

**Scott Thornton:** Mr. Thornton states they are still working on the traffic and some of the assumptions with the traffic analysis. They are not saying that everyone is going to take the T that works there, but he thinks it is likely that some people are going to use public transportation to get to the site. They are still working on an updated traffic impact assessment. More research is required.

**Mark McCabe:** Mr. McCabe with much frustration doesn't understand why they can go ahead with these diagrams when there are so many questionable things that have not been looked at yet.

**Gwen Noyes:** Mr. Noyes says she doesn't mean to give the impression that we were counting on the employees to use the Red Line, she was just saying that with the proximity to the Red Line it would make it available for staff. But, in fact, the numbers they have used for the parking spaces were derived from the data and tables from the ITE manual. They're real projections based on assisted living and independent living. They used the maximum number of parking spaces in the garage from the tables that were given which included the employees' and the resident numbers. That is one piece of data that has been generated from the professional records, it is not an assumption.

**Mark McCabe:** Mr. McCabe wanted to know what professional organization are these projections coming from?

**Scott Thornton:** Mr. Thornton responded: The Institute of Transportation Engineers Parking Generation Manual, Fifth Edition for assisted living and for senior housing. It's an industry-accepted source for parking estimates.

**Mark McCabe:** Mr. McCabe goes on to state that he is a little upset with Ms. Kiefer that if she believes that the ZBA does not allow this situation to go on, that she's going to jump right back onto the 176-unit apartment building and shove it down our throats. And he thinks that is a very unprofessional way to do business and thinks she might want to word it differently in the future.

**Stephanie Kiefer:** In response to Mr. McCabe, Ms. Kiefer responded by explaining that the Board, as she understood it, had asked the Applicant at the last hearing, to explore the reintroducing the townhouses. And so, they have done that on a conceptional level. She knows there has been a lot of thought that has been put into it, but obviously they haven't been able to answer every question. She went on to explain that it takes a lot of time and expense to further engineer and develop plans, so it is a fair request of an Applicant to ask the Board for their input as to whether they are going in the right direction or if they should go back to what they had before.

Ms. Kiefer went on to say that possibly Mr. McCabe misconstrued what she had been asking. The Applicant wanted the Boards' feedback on whether they are going in the right direction and should proceed or not.

**Chairman Klein:** The Chairman stated that the way he had understood it was that the Applicant was asking the Board if this was the way to proceed, and if not, they would be proceeding with the prior plan and in trying to finalize that.

**Anita Gyron** (47 Birch Street): Ms. Gyron stated that most of the discussion about the frontage had been in regards to Dorothy Road. She wanted to know about the views that the abutters from the eastern side would have.

**Gwen Noyes:** Ms. Noyes responded that the Applicant has been thinking a lot about the conservation area that is close to or more than 12 acres of land and they would like to have a conversation with the town about how best to approach this, and they understand there is work that needs to be done about cleaning up. There is a real concern about the invasive species and clean up. They have had conversations about timing that needs to be worked out. The property will be unrecognizable in its beauty when it is complete.

**Chairman Klein:** The Chairman asked whether there has been any thought about the cladding for the assisted living and independent building

**Arthur Klipfel:** Mr. Klipfel responded that assisted living buildings would be clad with panels and clapboard with trim. The duplexes would be the same materials, panels with vertical battens. They'd be clapboard, and panels even without the vertical battens.

**Anita Gyron:** Ms. Gyron asked, basically a residential type finish that wouldn't look too institutional or industrial?

**Arthur Klipfel:** Mr. Klipfel again responded, that was correct. They would spend more time analyzing the neighborhood and the different materials used in the neighborhood. The whole point is to have those six duplexes blend in with the neighborhood.

They will also take a look at the height as that had been mentioned. They have thought about modular construction, and there is actually three extra

feet in height because of the modular construction. So that is something they could look in possibly building those buildings a different way. But they thought modular would be good because it is much faster.

**Anita Gyron:** Ms. Gyron asked, did you say both the duplexes and the main building would be all modular units?

**Arthur Klipfel:** Mr. Klipfel explained that is their intention, but it's one of those details that has to be worked out.

**Diego Gianolio** (85 Dorothy Road): Mr. Gianolio agrees that a lot of time and effort has gone into this. However, one thing he feels should be clear at this point, is the potential for flooding. Mr. Gianolio goes on to state that in the whole presentation one thing that is not clear is the basements. The basements for the duplexes seem to be there, but it's not clear if they're going to be put in place or not. And if they are how deep they're going to be? The floor of his garage is actually less than four feet below street level, and it has experienced various flooding. He has had to have the sump pumps running all the time. He believes by now the Applicant they should have a good understanding of the water flow, how much water is expected, and what is the drainage system, etcetera?

The other question Mr. Gianolio had was about the modulares. He is concerned about the trucks and the overhead wires and whether or not they would have to cut the power. And if so, how are they going to provide power to the neighborhood during that time?

**Scott Thornton:** Mr. Thornton states that they haven't gotten into the type of construction and if the modular construction is still contemplated. If it is the trucks can go into the site and unload the materials and then go out Little John Street. The utility lines have to be 16 feet above the roadway at a minimum by code. The vehicles should not be any taller than 13.5 feet so the power lines shouldn't be an issue. He also adds that they've have an arborist selectively pruning tree limbs to ensure the clearance for the trucks.

**Chairman Klein:** Mr. Chairman had a question for Mr. Hession. He wanted to know if during their investigations they've looked at the surface flow and how water is moving specially from off-site areas into the site?

**John Hession:** Mr. Hession said that they do look into whether there is any water contributing to this projects' site, and they look at any water if there's any grades on this project site that actually drain out into Dorothy Road or onto any abutting properties. They have to accept water that follows onto site from off-site, but they have a responsibility to not increase flows from their site onto others.

**Chairman Klein:** The Chairman wanted to know if the Applicant was using the most recent iteration of the rainfall calculations, the NOAA 14 plus data which is what the town is starting to use, but it is in excess of what the current regulations are is that correct?

**John Hession:** Mr. Hession says they have been using the Cornell rainfall data which is required under the towns' wetlands regulations. As part of BETA's peer review or he believes the Board asked BETA to look at the drainage system if they used the NOAA 14 plus, and the drainage system worked with the exception of the hundred-year storm.

**Diego Gianolio:** Mr. Gianolio had a follow-up question about the basements. He asked if there are going to be basements or not because those, he assumes, will form a dam that will not allow water to go where it is apparently is going.

**Gwen Noyes:** In response to Mr. Gianolio's question, Ms. Noyes says that basements underneath the house would not allow at least surface water to go by. If Mr. Gianolio was referring to the ground water, there is 22 feet between the houses that would provide a passage for ground water to move. As stated, before they were thinking they might have partial basements and the stairs to the basement would not be lower than 11 feet or possibly 12 feet in height so they wouldn't naturally flood. She also understands that many of the driveways on the street are subject to flooding because the water flows right down into them. They have listened to these problems at every hearing, and have been working to address the water issue.

**Martha Ingols (148 Herbert Road):** Ms. Ingols, after looking at Google maps, suggests that if they gave up the sixth duplex at the corner of Little John that would allow more room for emergency vehicles. She also believes the outdoor socializing space is too close to Route 2 with a lot of pollution and noise. She

made a suggestion, as a possible solution, of putting a roof-top garden on top of the assisted living facility to provide more outdoor socializing space for the residents, and it would also absorb more rain water.

**Gwen Noyes:** Ms. Noyes responded to Ms. Ingols that she believes the distance to Route 2 is considerable. There's a tract of state-owned land between Route 2 and their property that can also be a buffer.

**Lisa Fredman** (63 Mott Street): Ms. Fredman says she is worried about the environmental impact, flooding and traffic. She believes that any major building will increase flooding on all streets. She prefers the townhomes without the senior living facility. She has had a lot of experience with seniors and says assisted living per person requires about one visit a day. Independent living can get up to 24 hours a day of help and with families coming multiple times a week it will end up affecting traffic and parking. Ms. Fredman would encourage the Board to go back to where they were at the last ZBA meeting thinking about a compromise that truly benefits people in the neighborhood. She believes that compromise is just restricting the development to the townhouses.

**Chairman Klein:** Mr. Chairman states that seeing no other hands raised, they can now go back to Ms. Chapnick's question about the AURA.

**John Hession:** Mr. Hession explains that some of the confusion may have been from the number of drawings. In the C105 drawing, which is the grading and drainage plan they had adjusted grading where they had pointed out that they had a couple of minor issues, and they adjusted some of the drainage structures and the connections to the building. Mr. Hession pointed out on that drawing there's a dashed line that is outside of the footprint of the residential portion of the building. It extends outside of the residential footprint to the north towards Dorothy and then in the rear, the courtyard area, where they were discussing the work in the AURA on the southwest side of the building. Mr. Hession states that the footprint of the building and the garage had not changed at all since that November 3<sup>rd</sup> full submission of both the full site plans, and that's where he believes that got confused.

**Patrick Hanlon:** Mr. Hanlon does believe there was a miscommunication that took place, but it is also clear what the facts are, there is an intrusion of

the building into the AURA. He does believe the conditions haven't changed, but feels that there are some things that the Conservation Commission may not have considered. The Conservation Commission will have additional comments after the new revision.

**John Hession:** Mr. Hession responds to Mr. Hanlon. He does want to say it was presented most likely at the Conservation Commission, but also as part of the ZBA when they presented those revised plans, the November 3<sup>rd</sup> plans, that it was pointed out that there was a small 270 something square foot intrusion of the building into the very outer 13 feet at the greatest of the building into that AURA. Mr. Hession just wanted to put it on record it is not new information, it was presented in the past and it hasn't changed.

**Patrick Hanlon:** Mr. Hanlon in response to Mr. Hession states that what he is trying to get across is that from where they are right now it doesn't really matter. He believes Ms. Chapnick when she says the Conservation Commission, if they heard this, did not focus on this, and did not assume it. And the Board needs the advice from them as to what to do now even though it hasn't changed.

**Chairman Klein:** The Chairman asks if there are any further questions from the public; hearing none he states that the public comment period for this hearing is closed.

**Chairman Klein:** The Chairman now goes on to state there are a couple of things that are before the Board at the moment.

- Plans: One is the request of the Applicant to get a little bit better direction as to whether or not they should proceed along the lines discussed here or whether they should revert back to what they were pursuing before. Or whether we want them to continue alone this path, but keeping an eye on certain things moving forward.

The Chairman feels this is a much better plan in terms of keeping with a lot of the discussion had earlier. The Chairman admits he is still trying to digest exactly what it means to have a large assisted and independent living



building in this portion of the neighborhood. But it sounds like there are definitively some advantages to pursuing this rather than open apartments.

- AURA: The Board and Chair of the Conservation Commission have made it clear that the AURA issue should be looked at. Is there a straightforward way of addressing that that preserves the AURA? Or is it something that the Applicant feels they cannot get away from, and that they are really limited to having to maintain that insertion?
- Basements: There have also been questions raised about the basements in the duplex units. The water issues not only are an issue for the new tenants, but could also cause additional issues with current residents in the neighborhood. If basements are included in the project, they are included in a way that they are not a risk for the people owning them.
- Elevations: There has also been some concern about the elevation of the garage level in the larger building. Mr. Chairman thinks higher is better, it is now above what we understand the water table to be.
- Water Flow: Mr. Chairman stated he's not sure if it's due to a lack of drains in the street or what the condition is but it has been described by multiple people that water flows through the neighborhood and then off the edge of the roadway on Dorothy into the woods. And that is the natural flow pattern right now. He feels the Board would need to understand if that really is the water flow pattern, and then they need to figure out what is going on and see if that would need an intervention as part of whatever is being proposed.

**Chairman Klein:** The Chairman asked if there were any other concerns that the Board has or recalled being raised that need to be added?

**Patrick Hanlon:** Mr. Hanlon noted:

- Traffic: That there were some concerns raised about what the actual traffic picture would be with the change in use.

- **Storm Water Management:** Mr. Hession had pointed out that the storm water management is easier now that it's not as cramped a site as it was before. But there still needs to be some research done on the storm water management, because it is so important.
- **Unit Heights:** And Mr. Hanlon had had some question regarding the heights of the townhouse units. In the course of the discussion there were a number of things individually, not very large, but certainly were things to be thinking about and seeing whether there's some finetuning needed.

**Stephen Revilak:** Mr. Revilak stated he had a few items. He lives along the Alewife Brook in a 100-year flood plain. Yes, his house does occasionally flood its not ground water that comes up through the basement its overland that forms a big pond in the land behind his house. Living in that situation I have really leaned toward buildings in flood plains that are elevated on piles. That might be a more practical solution approach and just forgo the basement altogether.

During the public comment period he did not hear anyone say, let's stick with the 172-unit apartment, so he concurs that this is an improvement and would like to continue down this path.

**Chair Klein:** On behalf of the Board, Mr. Chairman, says that the Board views this new plan quite favorability, and would like to see some further refinements on it especially in light of some of the comments this evening. He would ask Ms. Kiefer whether this gives her the direction she was hoping to receive.

**Stephanie Kiefer:** Ms. Kiefer stated she thinks that it does, and appreciates the feedback on this.

**Chairman Klein:** Mr. Chairman states they will need to continue the hearing. The first issue would be is that the 180-day calendar is set to expire next Thursday. I believe we would be looking to extend that out in order to further refine this.

**Patrick Hanlon:** Mr. Hanlon has one other thing he is concerned with and that is what is to be done with the conservation land. It really has not been addressed. It has not really changed since last time, but they are nearing the end and he hopes that the town will engage with the Applicant between now and the next time, and

that they can have some useful discussions that would develop that issue for us. One way or the other this is part of the application, and the Board is going to have to address it.

**The Chairman asks for a motion to extend the 180-day review period for Thorndike Place to Friday June 25, 2021.**

**SO MOVED by Mr. Hanlon**

**Seconded by Mr. Revilak**

<b>Roll call vote</b>	<b>SO VOTED</b>	<b>5-0</b>
-----------------------	-----------------	------------

**The Chairman asks for a motion to continue the hearing for Thorndike Place until Thursday June 10<sup>th</sup>, 2021 at 7:30 p.m.**

**SO MOVED by Mr. Hanlon**

**Seconded by Mr. Revilak**

<b>Roll call vote</b>	<b>SO VOTED</b>	<b>5-0</b>
-----------------------	-----------------	------------

**Chairman Klein: If anyone has comments or recommendations, please send them via email to [zba@town.arlington.ma.us](mailto:zba@town.arlington.ma.us) that email address is also listed on the ZBA website.**

**Asks for a motion to adjourn.**

**SO MOVED by Mr. Hanlon**

**Seconded by Mr. Mills**

<b>SO VOTED</b>	<b>5-0</b>
-----------------	------------

**MEETING IS ADJOURNED.**