

Arlington Redevelopment Board
Monday, August 30, 2021, 7:30 PM
Meeting Conducted Remotely via Zoom
Meeting Minutes

This meeting was recorded by ACMi.

PRESENT: Rachel Zsembery (Chair), Eugene Benson, Kin Lau, Melisa Tintocalis

STAFF: Jennifer Raitt, Director of Planning and Community Development and Kelly Lynema, Senior Planner

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

The Chair explained that this meeting is being held remotely in accordance with the Governor's March 12, 2020 order suspending certain provisions of the Open Meeting Law G.L. c. 30A, Section 20. This order from Governor Baker allows for meetings to be held remotely during this time to avoid public gatherings.

The Chair introduced the first agenda item, Public Hearings, the first hearing is for 29 Mill Street Docket #3662. Mr. Jason Parillo from Bluebird Graphic solutions said that the requested sign is larger than that allowed by the Town sign bylaw. Mr. Parillo said that the size of the requested sign would fit best based on the size of the building and the size of the lot. Ms. Raitt said that the sign is larger than allowed but in this case this request should proceed. Mr. Benson asked about the disparity between the stated sign size between the application forms and the memo. Mr. Parillo said that the size description on the memo is correct. Mr. Parillo said that a smaller sign would make the type on the sign difficult to read. Mr. Benson said that he does not think that approving a sign larger than allowed by the sign bylaw guidelines would be in the public interest. The Chair asked about the bylaw sign measurement with regard to irregularly shaped signs. Ms. Tintocalis asked about the hours that the sign would be illuminated and asked if the sign will be lit using solar power. Mr. Parillo said that Great Sky Solar will be filing a request to install solar panels in the future. Ms. Raitt said that the sign size calculation, considering the irregular shape, would bring the sign into size compliance. The Chair asked to clarify how that the sign is non-compliant with the sign bylaws, Ms. Raitt confirmed the sign is still non-conforming due to the height and area of the signage.

The Chair opened the floor to public comment.

Chris Loreti stated that there is no sign on the building at this time and he does not believe that this sign should be illuminated. Mr. Loreti said that he does not believe that there are other illuminated signs in this area. Mr. Loreti said that the sign is too big, too high, and should only be illuminated during office hours.

With no other members of the public wishing to speak the Chair closed the floor to public comment.

Mr. Lau said he found no issues with this sign. Mr. Lau asked what hours the sign would be illuminated, Mr. Parillo said that they expect to have the sign lit until 8:00 p.m. or 9:00 p.m. in the evenings. Ms. Tintocalis said that she would like the operating hours for the illumined light included with the conditions and would like to see the sign powered by solar in the future. Ms. Raitt confirmed that the bylaw does include rules for the hours of illumination. Mr. Benson said he would like the sign size limited as a condition of the permit since there is a size discrepancy on the application.

Mr. Lau moved to approve Docket #3662 for signage on 29 Mill Street with the following conditions, Ms. Tintocalis seconded, approved 4-0.

Conditions:

No illumination between 9:00 p.m. to 6:00 a.m.

Confirm the approved square footage of the sign

The Chair introduced the next public hearing for Docket #3665, 645 Massachusetts Avenue. Mark Sides from Core States Group representing JP Morgan Chase gave an overview of the application. Ms. Raitt said that the applicant should comply with the bike parking bylaw and to make some changes to the façade and the signage. Ms. Raitt said that the changes being proposed would create challenges to accessibility. Ms. Raitt said that there are several banks and lending institutions in Arlington Center and it would be nice to have a restaurant replace another restaurant. Ms. Raitt asked the Board to consider the liveliness and activity of the streets in Arlington Center. Mr. Lau asked about long term bike parking if JP Morgan Chase will also be leasing the basement space. Mr. Lau said he is concerned about the type of windows shown in the plans for the Mass Ave. façade. Mr. Lau said that the planned blade sign does not fit the character of Mass Ave., he asked if a flat sign could be placed on the driveway side of the building. Mr. Lau asked if the ATM could be relocated to accommodate handicapped access. Mr. Sides said that a ramp will not fit in that space without impeding parking or the sidewalk. Mr. Benson said that he agrees with Mr. Lau regarding the signage and with Ms. Raitt regarding the bicycle parking. Mr. Benson said there has to be a way to make the back door ADA compliant. Mr. Benson said that he agrees with Ms. Raitt's concern of a bank taking the place of a restaurant. Ms. Tintocalis asked Mr. Sides about the decision to locate a bank of this size in Arlington Center. Mr. Sides said that Chase Bank is looking for representation within this community, can host community events, training sessions for the community, and in that respect Chase feels that they offer a unique perspective on banking that is not currently present in the community. Ms. Tintocalis asked how Chase determined they would like representation in the community. Ms. Tintocalis said that there seems to be a growing trend of banks locating in Arlington. Ms. Tintocalis said she is concerned about the excess in use with the aggregation of banks, especially along main streets in this location. The Chair asked Mr. Sides if the bank would consider adding awnings and street seating, which is regularly used by the public. Mr. Sides said Chase was looking to stand out and not use awnings like neighbors and competitors. Ms. Raitt said that the benches are the Town's and part of the right of way and Ms. Raitt asked if the existing street planters could be kept by Chase. The Chair opened the floor to public comment.

Chris Loreti said he appreciates the discussion regarding the number of banks in the area, Mr. Loreti said that this use is detrimental in this location. Mr. Loreti said that B5 zoning district is limited, there are certain uses only allowed in that district. Mr. Loreti suggested that the applicant consider another location outside the immediate town center.

Don Seltzer asked the applicant if this business is just a bank or does it have more of a function beyond that. The Chair said that the applicant already answered this question earlier. Mr. Seltzer asked if the bank would also be a financial center that will draw foot traffic and how many employees are expected to be working at this location.

Steve Revilak said that having this vacant space filled so quickly is a nice surprise. Mr. Revilak said the Arlington just seems to attract a lot of banks, restaurants, and preschools. Mr. Revilak said that the applicant should meet the bike parking requirements.

Colleen Cunningham said that this site is located on the bike path by a busy intersection with a lot of foot traffic. Ms. Cunningham said that this location is suited for a restaurant and not a national bank, next to another national bank.

With no other members of the public wishing to speak the Chair closed the floor to public comment and opened the floor to the Board for comment. Mr. Lau said that there are many empty storefronts on Mass. Ave. that used to be restaurants. Mr. Lau said that wishing this location to be a restaurant is unfair. Mr. Lau said that without businesses Arlington will become a bedroom community. Mr. Benson said that Arlington should welcome Chase but not in a location with so many other banks nearby. Mr. Benson said that a bank will not replicate the foot traffic or vibrancy that was there when it was a restaurant. Ms. Tintocalis said that she agrees with Mr. Benson regarding the change in use. The number of banks, the proximity to each other, linear square footage, and the total square footage. Ms. Tintocalis said that she does not believe that this use

supports the goals of the Master Plan to create a walkable town. Ms. Tintocalis said it is critical to understand what Arlington is looking for, what are our metrics for foot traffic and walkability. Ms. Tintocalis said that she does not support this change at this time. The Chair asked Mr. Sides asked if this location would be a financial center with hours outside of the typical banking hours. Mr. Sides said that this will be a retail banking center with relatively standard banking hours. The Chair said that she is aligned with Mr. Lau and is concerned about turning away what is considered a strong business that is amenable to investing in a building in the center of town. The Chair said she is also concerned about the number of financial institutions in this area. The Chair said that without clear guidance she does not want to make what would be an arbitrary decision based on what is considered to be too many financial institutions on the Mass. Ave. corridor. Mr. Benson asked the Staff to do some research to see if there have been studies in other areas regarding this issue and what the results were. Mr. Lau said that a bank would not open a new branch in an area that is already completely saturated. Mr. Lau said that competition will ultimately create better service for Town residents. Ms. Raitt reminded the Board of the full list of criteria for denying a permit, that use alone is not enough to deny a permit. Mr. Sides asked what would happen in the event of a deadlock since there are currently only four board members. The Chair said that the application would not be approved if there is a deadlock.

Mr. Benson moved to continue this hearing to the September 13, 2021 meeting, Ms. Tintocalis seconded, approved 4-0.

The Chair introduced the public hearing for Docket #3348, 833 Massachusetts Avenue. Ms. Raitt reviewed the Board's decision made in 2009 for CVS, which includes the neighboring property at 821 Mass. Ave., known as the Atwood House. Ms. Raitt said that the terms of the decision included that the Atwood House would be maintained, would not be moved, or have a demolition request submitted within 24 months of the issuance of the 2009 decision. Ms. Raitt said that it has been more than a decade and the Atwood House is now in very bad condition. Ms. Raitt reviewed the memo sent in 2020 to the property owner, Mr. Noyes, listing the Board's requirements. Ms. Raitt said that the applicant was working to file a demolition order but proceeded to start demolition with asbestos remediation, including the exterior siding, before obtaining a building permit. Ms. Raitt said she reported that work had begun without a permit and the Town was able to file a stop work order. Ms. Raitt said that Mr. Noyes was sent a memo listing the bylaw violations and fines. Ms. Raitt said that the applicant then attended the Historical Commission's hearing and the continuation of that hearing is scheduled for the Historical Commission's September 7, 2021 meeting. Ms. Raitt said that the Board should have a conversation regarding what the Board's expectations and discuss what should happen next. Ms. Raitt said that Bob Annese, the property owner Mr. Noyes, the Attorney representing CVS, and Joanne Preston, the Chair of the Historical Commission, are all on the Zoom call this evening to discuss this property with the Board. Mr. Lau said he would like to hear what happened from ownership and what they plan to do with the building. Mr. Annese said there was a miscommunication with Mr. Noyes' employee regarding pursuing the demolition application. Mr. Annese that Mr. Noyes followed the Historical Commission's request to wrap the building and to install a security system. Mr. Annese said that restoring the exterior of the building could cost up to \$150,000.00. Mr. Annese said that Mr. Noyes will continue to pursue the demolition application and would like to come back before the Board with a new proposal that includes demolition of the Atwood House. Ms. Raitt said it is up to the Historical Commission to determine what the next steps should be. Mr. Lau asked if the Board had other options to create some affordable housing instead of waste the \$150,000.00 for a restoration that will be demolished. Ms. Raitt said that Mr. Noyes has several options including donating the property to the Arlington Affordable Housing Trust Fund but they have not disclosed what they would like to do with the property. Mr. Benson asked what the Board has the ability to do since the special permit terms from the 2009 decision were violated and continue to be violated. Ms. Raitt said that the more extreme action could be to revoke the special permit or there may be opportunity for other discussions. Ms. Raitt said that the current condition erodes the long term lease agreement with neighboring CVS and Arlington does not want to discourage keeping and attracting large retailers. Ms. Raitt said that the responsibility for something to happen with that property lies with the Board. Ms. Raitt said that the Board has to make a decision from a spectrum of options: doing nothing, keep having discussions with the property owner, or revoking the special permit. Mr. Annese suggested proposing a new development plan after the hearing with the Historical Commission. Mr. Benson said that he would like to have Mr. Noyes and Mr. Annese appear once a month to update

the Board. Mr. Benson said he would like to see a proposal that keeps the original façade. The Chair said she would like to discuss the timing of permits and the violation of public trust. The Chair said that this has gone on so long and does not want a vacant lot left after the demolition permit has been issued. Ms. Raitt said that there is a demolition delay that will be determined by the Historical Commission that can be up to two years. Mr. Robinson said that the first order of business for the Historical Commission was to restore the exterior of the building. Ms. Raitt notified the Board that Mary Winstanley O'Connor, who represented CVS, is also present. Ms. Tintocalis asked if the Board can question the property owner to find out what his goal is for the building. Mr. Noyes said he would like to develop the space as a mixed use building with residential units in the back. Ms. Tintocalis asked what the implications are if the special permit is revoked. Ms. Raitt said that revoking the permit would be a more challenging pathway to choose and would impact future use. Ms. Raitt said that the bottom line is that the Town would like something done with the property. Ms. Winstanley O'Connor said that CVS is also deeply concerned about the condition of the property. Ms. Winstanley O'Connor said that CVS is putting the landlord on notice that it is reserving its rights and will perhaps take action if something is not done. Mr. Lau said he would also like to see Mr. Noyes monthly for an update.

The Chair opened the floor to public comment.

John Worden said the Noyes family let the Atwood House fall into disrepair so the cost of repairing the exterior is Mr. Noyes' responsibility. Mr. Worden said that the 2019 proposal to move the house forward was worthwhile to save the house.

Steve Revilak asked if the Board, as a redevelopment authority, could determine that this site is blighted and implement an urban renewal plan to remediate it.

Don Seltzer said that one of the provisions of the 2009 Special Permit ruling there was supposed to be some landscaping in front of CVS that is still not there.

With no other members of the public wishing to speak the Chair closed the floor to public comment. The Chair agreed that a monthly check in with Mr. Noyes would assist with next steps and to move this process along.

Mr. Lau moved to continue this hearing for Docket #3348, 833 Massachusetts Avenue to September 27, 2021, Mr. Benson seconded, approved 4-0.

The Chair introduced the second agenda item, ARB Committee Appointments for ARB Members and Designees. The Chair suggested meeting the Standing Committee nominee, who is present, the other appointment introductions will be rescheduled. Ms. Raitt introduced Jagat Adhiya who said it is a pleasure to represent Envision Arlington. Mr. Adhiya said Arlington is changing so it is great to have this opportunity to build up this community. Mr. Adhiya asked what the Board's expectations are for Envision Arlington. Mr. Benson said that Envision Arlington brings a lot of new voices to table, the subcommittees can do important work, and people can choose what they think are the right ways to move the town ahead. The Chair said that there are some interesting plans and studies being conducted and The Chair said she looks forward to how the recommendations are integrated into our community. Mr. Lau said that it can encourage diversity, growth, and the ability to reach out to other people to get diverse opinions.

Mr. Lau moved to approve Mr. Adhiya's nomination to the Envision Arlington Standing Committee, Mr. Benson seconded, approved 4-0.

The Chair introduced the third agenda item, Housing Plan, and Open Space and Recreation Plan updates. Ms. Raitt said she provided a memo and will be happy to answer any questions. Mr. Benson asked if the Housing Production Plan will include a proposal to increase inclusionary zoning. Ms. Raitt said that that should be included with the next phase of the plan.

The Chair introduced the fourth agenda item, Business development update and opportunities. Ms. Raitt put this item on the agenda at Mr. Lau's request. Ms. Raitt said that she would like to collect questions to discuss at the Board's retreat. Mr. Lau asked for a review of the vacant storefronts. Mr. Lau said he would like to hear from commercial brokers to get an overall sense why

the spaces are not being leased so the Board can make any necessary changes. Ms. Raitt said that Ali Carter, Economic Development Coordinator, is preparing to present to the Select Board in October.

The Chair introduced the fifth agenda item, Meeting Minutes.

Mr. Benson moved to accept the June 7, 2021 meeting minutes as submitted, Mr. Lau seconded, approved 4-0.

Mr. Lau moved to accept the June 21, 2021 meeting minutes as submitted, Ms. Tintocalis seconded, approved 4-0.

The Chair opened the floor for the Open Forum portion of the meeting. With no members of the public in queue waiting to speak the Chair closed the Open Forum portion of the meeting.

Mr. Lau moved to adjourn, Ms. Tintocalis seconded, approved 4-0.

Meeting adjourned.

DRAFT