

**Arlington Redevelopment Board
Thursday, April 7, 2022 at 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, Steve Revilak

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

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

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

The Chair introduced the first agenda item, Finalize Report to 2022 Annual Town Meeting. Ms. Raitt said that she included the Board's comments regarding these articles and added additional explanations/examples for the Articles when needed. The Board provided suggestions to clarify each article recommended for action for the final report to Annual Town Meeting 2022. The Town Meeting Articles reviewed were: 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, and 45. No action was voted for Articles 40 and 45.

Ms. Tintocalis moved to approve the Report as amended at the Redevelopment Board meeting held on April 7, 2022, Mr. Lau seconded, approved 5-0.

The Chair noted that if Town Meeting is in person the Board should attend the first night in person. Mr. Revilak said that listed on the agenda for the first night of Town Meeting is the Select Board's first item, to vote to approve virtual Town Meeting. Ms. Raitt said that some of the presentations for Town Meeting will be recorded in advance.

The Chair introduced item number three on the agenda, Open Forum as because the public hearing for item two was scheduled to commence at 9:00 PM but it was not yet 9:00 PM The Chair opened the floor to members of the public; with no hands raised to speak the Chair closed the floor and proposed to pause the meeting until 9:00 PM.

Mr. Revilak moved to pause the meeting and resume at 9:00 PM to review the Warrant Article Public Hearings for 2022 Special Town Meeting, Mr. Lau seconded, approved 5-0.

The meeting resumed at 9:00 PM.

The Chair introduced the second agenda item at 9:00 PM: to open Warrant Article Public Hearings for 2022 Special Town Meeting. The Chair reminded the Board that they would be reviewing the articles and deliberating tonight but will not vote until the April 25, 2022, Board Meeting. The Chair opened the public hearing and asked members of the public to raise their hand online to request to comment and will be granted 3 minutes to comment. The Chair then introduced Article A.

ARTICLE A (tentatively scheduled, subject to change) ZONING BYLAW AMENDMENT/ FAMILY CHILD CARE

To see if the Town will vote to amend the Zoning Bylaw to update Section 2 Definitions, Section 5.4.3 Use Regulations for Residential Districts, Section 5.5.3 Use Regulations for Business Districts, and Section 5.6.3 Use Regulations for MU, PUD, I, T, and OS DISTRICTS to allow family child care as a by right use and to set standards and requirements in all Residential, Business, and MU districts; or take any action related thereto.

Ms. Raitt explained that this is the first time that the Board is receiving notification that family childcare should come before the Board (family childcare is home daycare with 6 to 10 children). Ms. Raitt said that the Department is suggesting that family childcare is switched from a Special Permit to As of Right.

Mr. Lau asked if many complaints are received regarding family childcare establishments. Ms. Raitt said that she is not aware of any complaints. Ms. Tintocalis said that she is concerned about neighbors' complaints about noise.

Mr. Revilak said that he is surprised that this issue is not already covered by the Dover Amendment policy changes. The Chair said that per the Dover Amendment this change would be correcting a non-conformity. Ms. Raitt said she believes that this should be a use by right like as in other communities. The Chair opened the floor to public comment. Seeing no one in queue waiting to speak the Chair turned the floor back to the Board.

The Chair introduced ARTICLE B ZONING BYLAW AMENDMENT/ SIGNS

To see if the Town will vote to amend the Zoning Bylaw to update Section 2 Definitions and Section 6.2 Signs to create a new sign type located at shared mobility and electric vehicle charging stations; or take any action related thereto. Ms. Lynema reviewed the Article and explained that in 2019 when the sign bylaw was adopted, electric cars and scooters were not as popular as they are now. This amendment would update the sign bylaw to meet current needs for EV charging stations and shared mobility docking stations.

Mr. Benson said that he does not agree that this is an exemption but instead it should be a new sign type. Mr. Benson would rather have this as a new sign type added to the sign guidelines. Ms. Lynema said that other cities with shared mobility stations consider this type of sign an exemption. The Chair asked Mr. Benson if he would be comfortable if the sign type was introduced as a new sign in the zoning bylaw table. He said he would.

Mr. Lau asked if these signs would include advertising. Ms. Raitt said they may include advertisements and that Arlington is looking for sponsorships for Blue bike docking stations. Mr. Lau said he is concerned about the possible advertisements. Ms. Raitt said that Blue Bikes usually posts ads for local events and community advertisements. The Chair asked if Mr. Lau would like to ask for a limit to advertising. Mr. Lau said he would like to review advertisements before they are posted.

Ms. Tintocalis said that there is a possibility that there will be corporate advertising but the size would be limited to one side of the docking station sign face. The Chair confirmed with Ms. Raitt that all signs/advertising would need administrative review and approval by the Department. Ms. Tintocalis said that she understands that the idea behind this warrant is to remove some of the obstacles for Blue Bike sign approval. Ms. Raitt said that the Town's plan is not to solicit corporate sponsors but in order to continue the Blue Bike program in Arlington sponsorship is needed. The Chair said that the Select Board would determine who is an appropriate sponsor for Blue Bikes.

Mr. Revilak said he likes the idea of adding a new type of sign to the bylaw for this issue. Mr. Revilak said that he does not think that the Board is able to regulate the content but does have say over the manner of the signs can be regulated. Mr. Benson said he is not concerned about the signs because the signs will be small. Mr. Benson said that he likes the idea of a permit exemption with a list of criteria to meet. Mr. Benson said that the Board should begin thinking about electric bikes and zip car electric vehicles that will also require docking stations in the future.

The Chair opened the floor for public comment.

Chris Lorette said that the Board would like to approve billboards, which are strictly regulated by the Town. The Town does

regulate the content of bill-boards. There is another warrant article coming before Town Meeting that will ask for another \$100,000 per year out of taxpayers' money for Blue Bikes because it is a failing business. Mr. Loreti said if this vote fails Blue Bikes may not be in Town going forward. Mr. Loreti said that this issue needs more thought and consideration.

The Chair closed the floor as there were no other members of the Public wishing to speak.

Mr. Benson asked if the Town would enter into a contract with Blue Bikes. Ms. Raitt said that there would be no additional contracts for docking stations. Mr. Benson said it needs a little more thought.

The Chair introduced ARTICLE C, ZONING BYLAW AMENDMENT/NONCONFORMING SINGLE-FAMILY OR TWO-FAMILY DWELLINGS

Ms. Raitt asked Mike Ciampa, Director of Inspectional Services, and Patrick Hanlon, a member of the Zoning Board of Appeals, to add any suggestions or comments while discussing this article. Ms. Raitt gave an overview of the amendment and explained that it was to see if the Town will vote to amend the Zoning Bylaw to update Section 8.1.3, Nonconforming Single-Family or Two-Family Dwellings, to modify or remove Section 8.1.3 C; or take any action related thereto. Ms. Raitt said that this article has more to do with the Zoning Board of Appeals than the Redevelopment Board and that is why Ms. Raitt would like the Board to hear from Mr. Hanlon. Mr. Hanlon said that the *Bellalta v. Zoning Bd. of Appeals of Brookline* case made it clear that the Building Inspector would have to make a decision as to whether or not a structural change in a single or Two-family residential structure would change the non-conforming nature of the structure. The Building Inspector will make the initial decision and there may be an appeal in regards to that decision. Mr. Hanlon said section C does more harm than good; if there is a disagreement procedures are in place to resolve the disagreement.

Mr. Ciampa said he agrees with Mr. Hanlon that Section 8.1.3.C disagrees with what is written under Massachusetts General Law.

Mr. Ciampa said that his main concern that in this case a section is being removed and we will not be aware of the effects until after the change happens.

Mr. Hanlon said that he does not believe that this will change the outcome in many cases.

Mr. Benson asked what happens if there is a nonconforming house with plans to make changes outside the existing nonconforming foundation wall but the change does not make the structure more nonconforming.

Mr. Hanlon said if it is just a change that does not extend the nonconforming feature, it can be found in section B.

Mr. Benson said he would prefer replacing section C with wording that describes exactly what happens in this scenario.

Mr. Revilak suggested removing the text for section C and replacing it with a notification that the section has been deleted. The Chair opened the floor to Public Comment.

Chris Loreti said that this section was added because people with nonconforming structures were not getting a full review but were issued permits as of right.

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

Mr. Lau moved to close the public hearing to review articles for 2022 Special Town Meeting, Ms. Tintocalis seconded, approved, 5-0.

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

Meeting adjourned.

DRAFT