

Arlington Redevelopment Board
Monday, July 11, 2022, at 7:30 PM
Town Hall Auditorium
730 Massachusetts Ave., Arlington, MA 02476
Meeting Minutes

This meeting was recorded by ACMi.

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

STAFF: Kelly Lynema, Acting Director, Department of Planning and Community Development

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

The Chair introduced the first agenda item, Environmental Design Review Special Permit Docket #3704, 18-20 Belknap Street. Ms. Lynema gave the Board an overview of this application and explained that the Redevelopment Board reviews special permit applications for properties that abut the Minuteman Bikeway. This property has a pre-existing nonconforming use because the structure was built before town zoning was established. The current owner is seeking to change the apartment building from the current illegal use with six units, to a legal nonconforming use of four units. The Board has to determine if they will allow an increase to the floor area ratio, or FAR, percentage before construction resumes. Ms. Lynema said that the Board may also like to look into the parking at the rear of the building and the third floor half story details.

The Chair asked the applicant's team to present. Counsel for the applicant, Donald Borenstein, explained that the lot at 18-20 Belknap has been an illegal six family apartment building for decades: the applicants would like to bring the building back to a legal nonconforming use with four family units. The applicants are seeking relief with an environmental design review. This project is the same project that was approved by Inspectional Services for building permits. Mr. Borenstein noted that the FAR will be larger than the current apartments with the pre-existing non-conformity. The plans also include a third floor half story addition.

Christopher Manley, the applicant, asked that the Board consider that the applicant followed the rules, made sure they were properly permitted, and worked closely with the Building Department/Inspectional Services. The project is meant to make improvements to the neighborhood and the public good. The current state of the building is more detrimental than the requested use changes. The applicant said that they rebuilt the foundation, removed a majority of the impervious paving, and removed a garage to increase green space and open space.

Mr. Lau said that he likes the project and it improves the neighborhood. Mr. Lau asked that the applicant commit to the green space. Mr. Lau suggested that a low structure or bushes be planted to avoid using the open space in the rear for parking. Mr. Lau said that he sees this is a Redevelopment Board review of this project, not the Zoning Board review.

Mr. Benson asked if the plans meet the requirements for a half story or not. The Chair said she spoke with Mike Ciampa, Director of Inspectional Services, and he said that the revised plans do meet requirements but the height of the half story may be inconsistent. Mr. Benson asked about the FAR calculations in determining the floor area and if the basement was included. The applicant said that the basement was just mechanical equipment before the redevelopment. Mr. Benson said the spaces in the basement need to be added to the gross floor area of the buildings FAR calculations. Mr. Benson said that the FAR calculations and setbacks need to be resolved before the Board can discuss granting relief. Mr. Benson said that the apartment building requires six long-term bicycle parking spaces to meet the zoning bylaw. Mr. Benson said that the building is visible from the bikeway depending on the season.

Ms. Tintocalis said that the Board is aware of the financial hardship and want to make sure that the project meets requirements going forward. Ms. Tintocalis said that the FAR is within reason, the project is a nice enhancement and investment in the neighborhood, and the open space should be maintained. Ms. Tintocalis asked where the additional FAR

comes from since the footprint of the building does not look to have changed. Mr. Manly said that enclosure of previously unenclosed space on the front and rear of the building make up the additional FAR calculation. Ms. Tintocalis asked how this situation could be avoided in the future. Ms. Lynema said that from what she understands the building permits were granted in error, and then it was recognized that the property abuts the Minuteman Bikeway and is required to be reviewed by the Redevelopment Board rather than the Zoning Board of Appeals.

Mr. Revilak questioned the dimensional work sheets and noticed that the basement space was not included. He said he would like to see that space added to the plans. Mr. Revilak said that usable open space non-conformity is very common in Town, especially in East Arlington. Usually if the applicant can show that they're increasing GFA but not changing the percentage of usable open space, then there is no change to the degree of non-conformity. It would be nice to have a plot plan with dimensions, setbacks, and dimensions of what was there before. Mr. Revilak said he would like to see the half story plan, including the area that needs to be at the seven foot height limit, so the Board can determine if it is 50% or not. The other criterion for a half story is that the slope must be 2 to 12; the flanks at the end of the half story plans are shown to have a 1:12 slope. The plans make the half story look like a full story. Mr. Revilak asked if this building should be considered a town house versus an apartment building, Mr.

Revilak said that he feels that this building falls more under the town house criteria. Mr. Benson said that it does not meet the criteria to be classified as a town house.

The Chair asked for the overall height of the building to make sure it has not gone over the requirement of 35 feet.

Mr. Benson said that when he visited the site the building did not look like it was being built to match the documentation. Mr. Manley said that the deck door placement was moved and adjustments were made to reduce the height of the building. Mr. Benson referred to the rendering included with page 46 of the plans.

The Chair opened the floor to the public comment.

Laura Tracey said that she is concerned about the Board setting precedent if they allow an increase of the FAR. Ms. Tracey said that she is upset that a permit was granted for a project that is not in compliance.

Austin Brown said that he found the slope height bylaw is not incredibly clear, especially when considering a gable roof. Mr. Brown said that he is not sure if the height bylaw applies to a section of the roof or the roof in entirety. Mr. Revilak said that he served on the Zoning Board of Appeals prior to joining this Board and the 2 to 12 requirement was always applied to every roof surface.

Anne Ellinger said that there has been so much confusion in the neighborhood and in the last two days there has been more clarification than the year prior. The neighbors would like to have the construction completed as soon as possible. It is very upsetting that more and smaller rental units are being reconstructed and to watch the character of the neighborhood change. Ms. Ellinger said that the neighbors would like the construction to be completed without setting precedence for developers to build larger and larger units.

The Chair acknowledged that the applicant is in a difficult situation. Occasionally mistakes are made in a permitting review and if/when the error is caught it must be addressed. Unfortunately, it has been caught in this point of the project. The Board will discuss what they can do to make this project work.

Mr. Lau spoke to the comment that it seems like sometimes the Board follows rules and sometime rules are not followed. Mr. Lau said that the Board is charged with a vision to help encourage development in town according to the Master Plan. One of the Board's incentives that the Board is allowed to give relief to some regulations in order to encourage the Town's

vision/Master Plan. Projects that are beneficial to the Town, like affordable housing, may receive relief from the Board.

Brian Tracey commented on the aesthetic issues, that the fencing pushes the house out towards the sidewalk visually. Mr. Tracey said that the bright paint colors used could be improved so the building does not look as large. Mr. Benson said that one of the things the Board will look at is if the construction changes are more detrimental to the neighborhood than what was there before. Mr. Tracey said that the house was in extremely rough shape before but asked if there are ways to make aesthetic improvements that do not have anything to do with zoning regulations.

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

The Chair asked the Board for the information they would like the applicant to provide for the hearing continuation.

Mr. Revilak said he would like to see documentation to confirm that there was zero usable open space before construction, see dimensions added to the plot plan on plan sheet number A-3, and documentation to show that the upper story conforms to the definition of a half story.

Mr. Benson asked for the new gross floor area calculation and documentation to show how the first floor and second floors were calculated, an updated FAR calculation, diagrams of short term and long term bicycle parking, and screening on the left side of the property in the rear.

Mr. Lau asked for a plan to show how the applicants will preserve the open space.

Ms. Tintocalis asked the board about the public comment regarding the fencing, in terms of design. Ms. Tintocalis said the fencing does not relate to the house design, and if there an opportunity to use landscape design instead of fencing. The Chair said that the Board can ask the applicant to consider that request. Ms. Tintocalis said that it is an opportunity for additional plantings and to avoid stockade fencing.

The Chair said that the applicant may follow up with Ms. Lyenma and the Department for the Board's full list of requests. Mr. Borenstein said he would like the Board's feedback and thoughts regarding the FAR calculations.

Mr. Revilak said he is questioning if the long term indoor bicycle parking makes sense. Mr. Benson said that each unit has their own space in the basement.

The Chair brought up the question of the window wells protruding farther into the front yard area. Mr. Revilak said in his time on the Zoning Board that window wells were not included when calculating setbacks. The Chair said that the Board would need documentation.

Mr. Lau asked if there are sprinklers in the basement and if the basement is being treated as unoccupied space. Mr. Lau said that if the basement ceiling height is less than seven feet the basement is then considered unoccupied space, over seven feet in height is considered occupied space. Mr. Lau stated that the Board should review this case as an ARB project since the Zoning Board has passed this along to the ARB.- The Chair said that this is a very unusual case and the Board does need to align with the requirements while keeping the Board's charge to create betterment to the community.

Ms. Tintocalis said based on the public comments it sounds like there is confusion and she sees Mr. Lau's point.

Mr. Revilak asked if the FAR requirement applies to this pre-existing non-conforming structure, as an "any other permitted structure".

Mr. Benson said that as a permitted structure the FAR does apply to it. Mr. Benson asked if this project should get an extra benefit because this plot abuts the Bikeway, therefore being reviewed by the Board not just the Zoning Board, than if the structure was in another location.

The Chair said she will meet with the Zoning Board Chair to come to consensus.

Ms. Tintocalis asked about future projects in this area the Board would be able to review and other properties that abut the Minuteman Bikeway. Mr. Lau said he would like to continue the discussion at the Board's retreat.

Mr. Benson moved to continue the hearing for Docket #3704, 18-20 Belknap Street to July 25, 2022, Mr. Lau seconded, approved 5-0.

The Chair introduced the second agenda item, Board Retreat Discuss dates for fall Board Retreat. The Chair identified that the Board would like to meet in September or October, hopefully after the new Director is identified. The Chair collected the following possible dates from the Board members: September 24th or 25th with backup dates of either October 15th or 16th.

The Chair introduced the second agenda item, Open Forum. With no members of the public wishing to speak the Chair closed the floor to Open Forum.

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