

Arlington Redevelopment Board
Monday, January 23, 2023, at 7:30 PM
Remote Open Meeting
Meeting Minutes

This meeting was recorded by ACMI.

PRESENT: Rachel Zsebery (Chair), Eugene Benson, Kin Lau, Steve Revilak

ABSENT: Melisa Tintocalis

STAFF: Claire Ricker, Director, Planning and Community Development; Kelly Lynema, Assistant Director of Planning and Community Development

The Chair introduced agenda item 1, Organizational Meeting.

Ms. Ricker stated that Ms. Tintocalis has decided to step down as a member of the ARB at the close of her term, which ends on January 31, 2023. The Department of Planning and Community Development has announced the vacancy and is accepting applications for her replacement. The Board expressed appreciation for Ms. Tintocalis' contributions over her term.

The Chair proceeded to the election of the Chair and Vice Chair of the Redevelopment Board and requested a nomination for Chair. Mr. Lau nominated Ms. Zsebery. Mr. Benson seconded. The Chair accepted the nomination; the Board voted unanimously in favor.

The Chair requested a nomination for Vice Chair; Mr. Benson nominated Mr. Lau, who accepted. Mr. Revilak seconded. The Board voted unanimously in favor.

The Chair called on Ms. Ricker to discuss term expiration dates and the upcoming overlap in terms. Ms. Ricker stated that per Mr. Benson, they have gotten off track with expiration and establishment of terms. The Board should have two members expiring one year, one member expiring the following year, and then two members expiring the year after that over the course of three years. She stated that part of the Organization Meeting agenda item is to determine how to realign terms. Discussion followed. The Chair recommended that staff provide a memo outlining the proposed realigned terms so everybody can ensure that terms aligned.

The Chair introduced agenda item 2, Public Hearing, Docket #3650, 190 and 192-200 Massachusetts Avenue.

The Chair alerted the applicant that with only four members at the hearing, and with Ms. Tintocalis stepping down, there would be only four members voting on the proposal. Mr. Lau stated that under Housing Choice Legislation, three votes would suffice to approve the application.

Ms. Ricker stated that the applicant proposes to construct a mixed-use building on Mass Ave, which would have retail and residential units with five affordable units at 70 percent of AMI. The building is proposed to be about four stories including just under 5,000 square feet of commercial space, which can be divided into two units, with final square footages to be determined. Parking will comprise 23 spaces at ground level and below grade in a subterranean garage area, which will also accommodate bicycle parking.

Attorney Robert Annese stated that the applicant is submitting a new proposal that asks for 30 housing units and two commercial spaces, one of which could be a restaurant. He stated that the proposal complies with the Master Plan.

Architect David Barskey stated that the proposed use is allowed in a B3 zone with a special permit.

The Chair gave the floor to the Board. Mr. Lau stated that the new proposal is an improvement, but he requested a light study and elaboration on elevations. He requested that the arch and clock tower be removed and the height of the brick parapets be lowered. Discussion followed.

Mr. Benson noted the following:

- The applicant should provide a corrected calculation of the gross floor area and FAR;
- The applicant should determine whether the basement meets the definition of basement under the zoning bylaw for the calculation of FAR, which will require ceiling heights and dimensions;
- He disagreed on the calculation of the setback, which will be addressed by bylaw changes for the next Town Meeting;
- The zoning bylaw requires that at least 50 percent of the roof be solar, and the condensers should not be shading on the solar arrays;
- Dimensions of the parking spaces should be provided;
- He questioned how tandem parking could be successful in a 30-unit residential building; John Murphy stated that the two bedroom units would get two spaces and some other one bedroom and the studios would get no parking. He added that parking is always a moving target --some units may have cars one year some may not the other year, and it is hard to calculate it perfectly.
- The applicant should clarify the number of bicycle parking spaces – Mr. Barskey stated that 48 spaces would fit.
- The applicant should clarify how many parking spaces are for commercial and residential uses – Mr. Murphy stated that they would all be residential. Mr. Benson stated that the Board has the authority to waive the requirements for the commercial.
- The 13 percent entrance ramp slope is possibly excessive -- Mr. Barskey stated this can be adjusted if needed.
- The rear yard setback should be 30 feet, and the Board has the authority to alter the setback. Mr. Benson requested that Attorney Annese return and confirm that 30 is the correct required number.
- Lighting should be clarified, including whether the Chandler Street parking illumination would be on day and night. The applicant stated that they would provide adequate lighting at all times. Discussion followed.
- The transformer in the rear setback should be remedied – Discussion followed.
- He asked how trash storage and removal would be addressed – Mr. Barskey stated that they would use a contractor.
- A request for images or renderings of the building with buildings behind it.
- If a restaurant is intended for the commercial spaces that faces Lake Street, an entrance along Mass Ave should be provided.

The Chair requested that Mr. Benson confirm his preference for the entrance to the restaurant off Mass Ave to be in the recessed frontage rather than off Lake Street. Discussion followed.

Mr. Revilak asked whether the applicant would consider unbundling parking from rent. The applicant replied yes. Mr. Revilak requested that the 48 bicycle places be shown on the next iteration of plans. Discussion followed regarding bike rack design and setting.

Mr. Revilak continued with comments and questions that the Board had received:

- He asked whether pile drivers be used during construction– Mr. Barskey replied that this is not anticipated.
- He asked if the applicant was planning to petition the Select Board to change the one-way designation on Chandler Street -- Mr. Barskey replied no.

Discussion followed regarding tandem parking and design elements.

Mr. Benson asked whether a green roof on the stepbacks would be appropriate. Mr. Barskey replied yes. Mr. Benson suggested that the applicant might combine a few units and thus require fewer parking spaces.

Mr. Lau requested a number of design changes to the basement plan.

The Chair opened the floor for public comment. Kelly Doherty stated that her key concerns lie mostly with traffic and parking. She also stated her concern that trash trucks would block the residents.

Judith Halperin expressed her concern about additional parking spaces causing increased traffic on a street with many schoolchildren. She added that the proposed design feels out of character.

Don Seltzer stated that the ceiling height on the lower level for vehicles and for bikes is inadequate; the steep vehicle ramp is dangerous; and state laws on accessibility are being violated by this design.

Elaine Maynard stated that further conversation is needed on the impact of the proposed building the buildings behind it.

Chris Loreti expressed his opposition, stating his belief that zoning violations were being requested.

Steve Moore asked whether trees in front of the property and on Chandler Street will be installed by the proponent. He also suggested that a provision for irrigation be installed.

Seeing no other speakers, the Chair closed public comment.

The Chair gave the floor to the Board, and requested the applicant address the following issues to be resolved in the next round of presentation:

- Trash removal;
- Whether the garage would have a door and if so, how it would operate;
- Whether there would be audible warning signals for vehicles exiting the parking garage;
- The applicant should invite abutters to meet to discuss their concerns ahead of the next meeting.

In response to Mr. Moore's query, The Chair confirmed via Mr. Murphy that the applicant would plant trees and most likely redo the whole sidewalk.

The Chair then continued with a list of items that need to be addressed or clarified by the applicant before the continued hearing:

- Site lighting plan, including details and foot candles, especially addressing the back of the building and the ramp in the parking area;
- More information on the elevations, including context with the adjacent buildings;
- Removal of the arch and clock tower over the Mass Ave pedestrian walkway;
- Review pilaster height;
- Samples of exterior building materials;
- Provide louvers or air intake to the basement parking;
- Relocation of mechanical equipment away from the perimeter of the building;
- Updated gross floor area and FAR calculations;
- Indicate the percentage of the roof dedicated to solar;
- Provide a transportation demand management plan along with the request for a reduction in parking;
- Confirm the rear setback calculation so that the applicant can be specific about requested relief;
- Review the location of the transformer that is currently in the setback area;

- Confirm in writing the trash removal process as well as the loading and unloading of the commercial trucks and moving trucks for the residents;
- Unbundle parking from rents;
- Potentially include a green roof at the setback;
- Review the building coloration;
- Review the retail space for possible removal of one row of tandem parking and incorporating the added space into the commercial area;
- Review the trade-off of the utility space by parking and retail;
- Reach out Review canopy design at the entrance to the residential space;
- Consider flipping the van access clear area with the parking space for better access to the stairs;
- Speak to abutters in greater detail about the project.

Mr. Lau asked whether the buffer in the alleyway contains a fence or just plantings. Mr. Barskey promised further information. The Chair stated that they will look for confirmation for a fence between the abutter and the setback.

Mr. Benson listed the following for discussion:

- The appropriate maximum FAR;
- Choose between long-term inside bicycle units and fewer apartment units; and
- Tandem parking.

A discussion followed regarding tandem parking and bike parking relief. The Chair suggested that the applicant study a way to achieve residential tandem parking without significantly impacting the proposed commercial space.

Mr. Benson and Mr. Revilak disagreed as to whether the FAR is based on the building gross floor area (Mr. Benson) or lot size (Mr. Revilak). The Chair agreed with Mr. Revilak; Ms. Lynema stated that the DPCD has always interpreted FAR as begin associated with lot size, and she would look back into older versions of the bylaw to see if there is any clarification.

Ms. Lynema addressed bike racks; the Chair stated that the applicant should provide the preferred types of bike racks.

Mr. Annese stated that they need more time before returning before the Board. The Chair suggested they return on February 27, and requested a motion to continue to February 27. Mr. Lau moved to approve; Mr. Benson seconded. The Board voted unanimously in favor.

The Chair introduced agenda Item 3, Continued Public Hearing: Docket #3728, 99 Massachusetts Avenue; the applicant requested a continuance to March 6. The Chair requested a motion to continue; Mr. Benson seconded; The Board voted unanimously in favor.

The Chair moved to agenda item 4, Zoning Warrant Articles for 2023 Annual Town Meeting.

Ms. Lynema presented two categories of articles. The first addresses incentivizing better use of commercial areas:

- Adjustments to open space requirements;
- Clarification about whether setbacks are measured from the property line or from the building façade;
- Adjusting the reduced height buffer area and corner lot requirements;
- Establishing a height minimum within the Business districts;
- Creating an Arlington Heights Business District wherein the four Business zoning districts would be consolidated into a single AHB Zoning District within a specified area.

The second set addresses the Industrial zone, including:

- Clarifying the storm design when determining if a proposal is eligible for an increase height or FAR in the industrial districts;
- Updating references to the solar bylaw; and
- Adjusting the ARB purview over the Industrial district.

The Chair asked about corrections made to the December 1 memo; Ms. Lynema clarified.

The Chair gave the floor to the Board.

Regarding the commercial open space amendment, Mr. Benson suggested that the wording be changed from “increasing” requirements to “modifying.” The Chair approved.

Regarding rear yard setbacks, Mr. Benson suggested changing “for mixed use and any other permitted use” to “requirements for any use” in the business district. Ms. Lynema agreed.

The Chair moved to the next item, stepback requirements in business districts. Mr. Benson requested that they add a definition of “principal façade” when they come up with a main motion. Discussion followed.

The Chair moved to the next item, corner lot requirements.

Mr. Benson asked whether this needed to be heard at all since they have the authority to waive corner lot requirements. Discussion followed.

Mr. Revilak suggested replacing “reduce the requirement” with “amend the requirement.” Discussion followed. Ms. Lynema suggested the wording “reduce the requirement for corner lots in all business districts.”

The Chair moved to the next item, height minimums in business districts. Mr. Benson stated that the wording should be “height and story minimums in business districts,” and after “minimum height” in the second line, it should say requirement for a “minimum height and number of stories.” Discussion followed.

The Chair moved to the next item, the Arlington Heights business district. Ms. Lynema stated that:

- The parking requirements in Section 6 are all use based, not district based, so that section does not need amendment;
- Section 6 requires an amendment regarding signs, and the Board needs to create a new sign type;
- Section 5 would have the most substantive revisions, mainly to the tables.

The Chair moved to the next item, the zoning map amendment for the Arlington Heights business district. The Chair stated her concerns about the discontinuity of the Arlington Heights business district, which needs to be addressed that evening if they are required to provide a map. Discussion followed. Town Counsel Heim will confirm.

The Chair moved to the next item, Industrial district uses. She asked for a way to write this so that it is broad enough that they call out restricting self storage and allowing animal daycare and fast food. Mr. Benson stated that there is too much disagreement among the Board, and they may not be ready to move on this without further discussion. Mr. Lau suggested putting it off for another year. Mr. Revilak agreed. The Chair asked how vital it might be for the Board to tackle this year versus waiting a year. Ms. Ricker replied that a delay would not be disruptive. The Chair confirmed agreement to strike this from the next Town Meeting.

The Chair moved to the next item, Industrial district development standards. Mr. Benson made wording suggestions.

The Chair moved to the next item, the solar bylaw in Industrial districts. The Board agreed to work on the main motion.

The Chair moved to the final item, ARB jurisdiction over Industrial districts. Mr. Lau and Mr. Benson approved. Mr. Revilak expressed his reservations about imposing a fairly high standard of review on what could potentially be smaller projects. Discussion followed.

The Chair stated that there is a threshold for EDR. Mr. Benson suggested adding “and in the Industrial districts,” so then it would be like anything else, it would require some of the other criteria. Mr. Lau replied that Mr. Revilak was referring to something like the bike trail -- right now, anything that touches the bike trail, the Board is reviewing and perhaps a threshold or criteria should apply.

Mr. Revilak stated that he agreed with Mr. Benson regarding the wording.

The Chair moved to the next item, Building Inspector, Enforcement. Ms. Lynema noted that a footnote linking to the Attorney General’s rejection of the zoning amendment was added to the bylaw. Mr. Benson stated that the footnote should never have been put in the bylaw, per the AG’s office. Mr. Revilak suggested removing the “unenforceable” provision.

The Chair requested a motion to submit the articles for spring Town Meeting as amended. Mr. Benson so moved; Mr. Lau seconded. The Board voted unanimously in favor.

Mr. Lau stated the need for plans or three-dimensional graphics in presenting these amendments to the community.

The Chair moved to agenda item 5, Open Forum.

Don Seltzer called the Board’s attention to possible construction violations at 1500 Massachusetts Avenue.

The Chair moved to agenda item 6, New Business.

Responding to Mr. Seltzer’s comment, Mr. Benson stated the need for a feedback loop.

Mr. Revilak asked whether the staff had an update on the formation of the MBTA Communities Working Group. Ms. Ricker stated that they are planning the first meeting a week from Thursday.

The Chair stated requested a motion to adjourn; Mr. Lau So moved; Mr. Benson seconded. The Board voted unanimously in favor.

Meeting adjourned.