

Arlington Redevelopment Board
Monday, June 5, 2023, at 7:30 PM
Community Center, Main Hall
27 Maple Street, Arlington, MA 02476
Meeting Minutes

This meeting was recorded by ACMi.

PRESENT: Rachel Zsembery (Chair), Eugene Benson, Kin Lau, Stephen Revilak

STAFF: Claire Ricker, Director, Planning and Community Development

The Chair called the meeting of the Board to order.

The Chair opened with the **Agenda Item 1 – Public Hearing Docket #3752 Calyx Peak 251 Summer Street.**

Ms. Ricker informed the Board that Calyx Peak and the Department of Planning and Community Development (DPCD) agreed to postpone the hearing until the Board's next meeting, on June 26, 2023, in order to allow for more time for DPCD to review the applicant's plans and for the applicant to discuss the plans with the property owner.

Mr. Revilak asked for clarification about the role of the Select Board versus the role of the Redevelopment Board regarding marijuana facilities.

The Chair replied that the Select Board is responsible for permitting the host agreement, which identifies the location and the ability of the applicant to seek a Special Permit. The Redevelopment Board's role is to ensure that the project as proposed is appropriate for the neighborhood in its design.

Ms. Ricker clarified that the Redevelopment Board does not adjudicate the use for a marijuana dispensary; the Board only weighs in on the design of the facility and other planning issues. The use is allowed by the Select Board

Mr. Benson said that the Redevelopment Board has to determine that the application meets the terms of the criteria of the Special Permit and the Environmental Design Review, in addition to the criteria of Section 8.3 of the Zoning Bylaw, which is about marijuana facilities.

The Chair asked for a motion to continue the Public Hearing for Docket #3752, Calyx Peak, 251 Summer Street, until the June 26, 2023 meeting of the Board. Mr. Benson so moved, and Mr. Lau seconded. The Board voted unanimously in favor.

The Chair moved to **Agenda Item 2 – MBTA Communities Update.**

Ms. Ricker reported that on the work of the MBTA Communities Working Group:

- The Working Group has been meeting regularly to review materials provided by our consultants, Utile, as well the results of the community survey.
- The survey received over one thousand responses, which were provided to Utile, who created draft maps of possible MBTA Communities districts.
- The Working Group is interested in looking at greater density than three-family buildings in some areas.
- Ms. Ricker received the latest version of the draft map from Utile this afternoon. The Working Group will meet tomorrow night to review the latest draft map.
- A public meeting on MBTA Communities is scheduled for this Thursday, June 8, 2023. At that meeting, the Working Group will make a presentation and share information about the survey results; Utile will explain the state requirements for the zone; attendees will be given the opportunity to draw their ideas directly onto maps and then report back to the larger group.
- After determining where the district will go, the Working Group will consider what exact types and sizes of housing will go in the district.

Mr. Lau reported on a community meeting about MBTA Communities which he attended this afternoon.

- The meeting included the Superintendent of Arlington Public Schools, the Chief Inspector, the Chief of Police, a local priest, and a School Board member.
- Mr. Lau showed them a previous iteration of the draft map. They expressed surprise that the district was spread throughout the town, rather than being concentrated in one area.
- They asked how soon the changes would actually happen. Mr. Lau explained that he couldn't answer that precisely, but zoning changes usually have an impact in 25-50 years.
- They thought that the new housing would increase opportunities for workforce recruitment and retention, including teachers and police officers, because the cost of living is so high in this area.
- Mr. Lau asked if an increase in population density would create problems for the schools in the future, and they said no, that they have the capacity for increased numbers of students. The fact that the proposed map has increased density throughout the town would enable them to change the buffer zones between elementary schools as necessary, so the burden will not fall disproportionately on one or two schools.
- As a whole, the group liked the idea of spreading the density throughout Arlington rather than concentrating it in one area.

The Chair asked if the latest map included sites immediately on Massachusetts Avenue, or if they were set one lot back from Mass Ave. Ms. Ricker said that the district is one to two lots removed from Mass Ave. The Chair said that we should limit or eliminate any parcels touching Mass Ave, so that we can prioritize the commercial growth of the town.

Mr. Benson shared his thoughts and questions.

- He asked if Board members who are not on the Working Group will be able to attend the MBTA Communities public meeting on June 8, and if so, if they would be able to participate. Ms. Ricker replied that she would check with Doug Heim about the answers to those questions. They agreed to post a notice that the Redevelopment Board will be attending the MBTA Communities public meeting, so that it would constitute a legal meeting of the Redevelopment Board.
- He asked which map will be presented at the public meeting on Thursday. Ms. Ricker said that they will be presenting the most recent map from Utile, although they may share other maps to give the community an understanding of how the discussion has evolved. Mr. Benson suggested that one more map be shown.
- Mr. Benson said that Arlington includes more Historic Districts and properties on the National Register than many people are aware of, and they're not all shown on the map. He would like to see all those areas clearly designated on the map.
- He isn't sure that the Board ever clarified exactly what they want from the Working Group. Should they provide one final proposal, or a few different options? Mr. Lau replied that the Working Group is taking into consideration public opinion and the comments of the Board, and that the Board and Working Group will have ongoing conversations about the maps. He said that the number of options to be provided is not yet clear.
- He brought up the question of what triggers an affordability requirement. Currently, a Special Permit requires inclusionary zoning, but the new zoning district will mean that Special Permits are not required. He would like to have a conversation with Doug Heim to make sure that we won't lose the ability to require inclusionary zoning. Mr. Lau had a different understanding of what kind of development requires inclusionary zoning. The Board agreed that Mr. Benson, together with Ms. Ricker and Doug Heim, would figure out what the current legal requirements are and report back at the next meeting. He would also ask Town Counsel Heim about notice requirements for an overlay district.

Mr. Revilak shared some survey results.

- Multi-family housing that meets sustainability standards was a high priority from the survey results.
- Affordable housing was also a high priority.
- He and another Working Group member went through the survey responses and coded them in order to be able to aggregate the data, which hopefully will be available soon.

The Chair moved to **Agenda Item 3 – ARB Meeting Schedule Review.**

Ms. Ricker presented considerations for the meeting schedule through the end of 2023, avoiding holidays and including the fall Town Meeting and a Board retreat.

- The next two meetings are scheduled for Monday, June 26, with Calyx Peak and MBTA Communities on the agenda, and Monday, July 10, with a possible continuation of the Calyx Peak hearing.
- Potential holiday conflicts include Labor Day, September 4; Yom Kippur, September 25; and Indigenous People's Day on October 9.
- The Board retreat needs to be scheduled. Mr. Lau suggested waiting until the new Board member starts and waiting until after Town Meeting. The other Board members agreed.
- Public hearings for the Board's Warrant Articles for Town Meeting need to be scheduled. The fall Town Meeting has not yet been firmly scheduled, but it is likely to be the third week of October. The first public hearing should probably be scheduled in late August in order to get everything done before Town Meeting.
- The only date that works for all Board members for a meeting in August is August 28.
- The Chair proposed August 28 as the meeting date at which the Board will review and vote on the warrant articles in order to submit them to Town Meeting. Ms. Ricker will find out when warrant articles will need to be submitted.
- The Board will review and vote on the upcoming meeting schedule on June 26.

The Chair moved to **Agenda Item 4 – ARB Fall Town Meeting Warrant Article Discussion.**

The Board reviewed the warrant articles prepared for the spring Town Meeting, which were pushed to the fall Town Meeting. Those warrant articles proposed a series of changes to business zoning that would potentially be more conducive to economic development.

Ms. Ricker asked if all the articles should be proposed again for the fall Town Meeting, given all the work involved with MBTA Communities, or if some should be postponed again to the 2024 spring Town Meeting.

The Chair said that the first six articles are well documented and address significant challenges to the working relationship of the Board with local businesses and developers, and she would like the Board to move forward with those articles. All that is left to do is get massing studies, which Ms. Ricker is working with the Town Manager about finding the funding for.

The Chair proposed holding the articles on ARB Jurisdiction over Industrial District and the Arlington Heights Business District until the 2024 spring Town Meeting, because the Board will not have enough time to give those amendments the attention they deserve. She would prefer to focus instead on the articles that address dimensional and site standards for the fall Town Meeting.

Mr. Lau agreed with the Chair, but expressed concern because that the Board has said that it is working on rezoning business districts, it would be problematic not to bring those articles to the next Town Meeting. The Chair suggested that the Board make a commitment to pushing forward the article about the Arlington Heights Business District next spring. Mr. Benson agreed with Mr. Lau's concerns, but said that he does not think the Board and the DPCD will have the capacity to effectively deal with this article before the fall Town Meeting. He suggested that the article should be postponed until spring, but the Board commit to making sure that the rezoning that happens as part of MBTA Communities does not conflict with the Board's plans for the Arlington Heights business district. He also noted that the results of the MBTA Communities process may lead to further details that need to be changed in some of the Board's warrant articles, so waiting until spring would enable the Board to consider any changes made by MBTA Communities.

Mr. Revilak agreed with the Chair about moving forward with the first six articles for Town Meeting, and postponing the articles on ARB Jurisdiction over Industrial District and the Arlington Heights Business District as long as the Board makes a commitment to taking them up in the spring. The article on the Arlington Heights Business District has the potential to set a precedent for how the Board moves forward with other business districts and the future relationship between the Board and local businesses and developers.

Mr. Benson proposed moving forward at the fall Town Meeting with an article eliminating the right for one- and two-family dwellings to be built in business districts. This has been mentioned and discussed but has not actually been added to the list of articles, which Mr. Benson would like the Board to do at this time.

The Chair said that the Board has also discussed removing special permit requirement for offering up to three single room occupancy units for rent in the residential districts.

Ms. Ricker shared that she learned that the Affordable Housing Trust is writing an affordable housing overlay district which they intend to bring to the Board for review for the fall Town Meeting. Mr. Benson expressed concern about having two articles dealing with different overlays at the same Town Meeting, so he would prefer that the affordable housing overlay wait until spring. The Chair agreed.

The Chair moved to **Agenda Item 5 – Open Forum.**

The Chair invited anyone attending the meeting to address the Board. She clarified that typically the Board will not respond to questions at the same meeting but may address them at a future meeting.

Susan Stamps, 39 Grafton St, Town Meeting member, member of the Tree Committee

- She proposed applying Environmental Design Review to all projects in Arlington. The Environmental Design guidelines are a wonderful set of guidelines, and she would like to find a way to have everyone doing construction in town follow them.

Wynelle Evans

- As a former member of the Residential Study Group and the Design Review Working Group, she thinks that aesthetics are critical to community acceptance, and she was pleased to see that addressed in the MBTA Communities materials.
- Her street is in the proposed MBTA Communities zone. It's a dead-end street with very little parking that's already very dense. She asked how much time would be spent by the MBTA Communities Working Group and/or the Board to visit every block and street that may potentially be included in the overlay districts. She thinks it is very important to see these areas on foot or in person.

The Chair noted that there were questions about Environmental Design Review and what it does and doesn't cover, and she proposed presenting that as an overview at the June 26 meeting before starting the public hearing portion of the meeting. She also said that last question was more for the MBTA Communities Working Group than the Redevelopment Board, and it might be addressed at the public meeting on June 8.

The Chair moved to **Agenda Item 6 – New Business.**

Ms. Ricker shared information about site plan review, how it relates to MBTA Communities, and what we are able to do. MBTA Communities does allow for site plan review of various levels. A site plan review is not discretionary; it is not a special permit; it is not a regulation or prohibition of use. It is an evaluation of a project that is allowed by right with reasonable conditions and comments. A site plan review cannot determine whether or not the use is allowed or make discretionary decisions or put unreasonable binding conditions on a project. A site plan review can look at project impacts, determine compliance with zoning and other applicable requirements such as Environmental Design Review. Arlington does not technically have a Planning Board, although the Town Manager Act and the Redevelopment Board Rules and Regulations say that the Redevelopment Board acts as the town Planning Board. The Town will ultimately decide the body that has site plan review authority, and Town Meeting may need to vote to give the Redevelopment Board that authority. Site plan review can also be purely administrative, meaning it can be done by Town staff, which is often easier for smaller projects. The site plan review body can include reviewing architectural style and scale so long as there is a process with some published or prescriptive document that talks about what is allowed, such as Arlington's Residential Design Guidelines. The Historic Districts Commission is a design review board and would maintain their authority to conduct site plan reviews under the MBTA Communities zoning overlay. The Redevelopment Board could also be a design review board. These are all things that will need to be written into the MBTA Communities evaluation procedures. The Board needs to propose criteria for evaluation of MBTA Communities projects. One question is whether there is a scale of project for which the Board would feel comfortable with administrative site plan review. At a future meeting, she would like to bring some suggestions of evaluation criteria for the Board to discuss.

Mr. Lau asked what enforcement mechanisms the Board would have with a site plan review if the Board is not allowed to say no to a project that's being built by right. Ms. Ricker replied that even if a project can happen by right, that

doesn't exempt it from other zoning requirements. If a project does not meet the Board's requirements, Inspectional Services can refuse to issue a permit. But those requirements have to be clear and available to developers ahead of time.

Mr. Benson pointed out that if the Board allows administrative site plan review for projects under a certain size and doesn't require them to go before the Board, that could provide an incentive for a developer to build something smaller than would be ideal. He proposed that even if a project is eligible for administrative site plan review, the staff always have the option of sending it to the Board. The fact that any project could be required to go before the Board might reduce the incentive for developers to try to deliberately plan projects under the size limit. He likes the fact that site plan review is open to the public, enabling more feedback.

Mr. Revilak reported that Lexington makes a distinction between major and minor site plan review. Major review is done by the Planning Board, and minor review is done by staff, with a clear threshold delineating the two. He thinks that site plan review is a useful tool to provide a way to give feedback to an applicant and set clear expectations without introducing excessive risk or delay. He plans to continue to look at how other communities have been implementing site plan review and bringing that information to the Board.

The Chair asked if site plan review process and standards would be part of the MBTA Communities articles at the fall Town Meeting, or if it would be a stand-alone article. Ms. Ricker replied that she needs to look at it more closely, but she said it should definitely be done at the same time.

Ms. Ricker also updated the Board on DPCD hiring. The Department is making an offer to an Economic Development Coordinator. She has posted the Assistant Director position in a variety of places and hopes to move forward quickly in that hiring process.

The Chair asked for a motion to adjourn to Town Meeting. Mr. Lau so moved, and Mr. Benson seconded. The board voted and approved unanimously.

The Meeting was **Adjourned** at 9:00 pm.