Town of Arlington, Massachusetts
Department of Planning and Community Development
730 Massachusetts Avenue, Arlington, Massachusetts 02476

Public Hearing Memorandum

The purpose of this memorandum is to provide the Arlington Redevelopment Board and public with technical information and a planning analysis to assist with the regulatory decision-making process.

To: Arlington Redevelopment Board
From: Claire V. Ricker, AICP Secretary Ex-Officio
Subject: Environmental Design Review, 1011 Massachusetts Avenue, Arlington, MA, Docket #3837
Date: January 17, 2025

I. Docket Summary

This is an application by Scott Hefter, 55 West Eagle, LLC, 1011 Massachusetts Avenue, to open Special Permit Docket #3837 in accordance with the provisions of MGL Chapter 40A § 11, and the Town of Arlington Zoning Bylaw Sections 3.3, Special Permits, and 3.4, Environmental Design Review.

The applicant requests that the ARB grant a special permit to allow a three-family building on an existing non-conforming lot in the B1: Neighborhood Office district. The opening of the Docket is to allow the Board to review and approve the application under Section 3.3, Special Permits and Section 3.4, Environmental Design Review.

Materials submitted for consideration of this application include:

- EDR Application
- Architectural Floor Plans (interior) and Photographs
- Site/Plot Plan
- Property Deed
- Assessor's Record
- Cover Letter

II. Application of Special Permit Criteria (Arlington Zoning Bylaw, Section 3.3)

1. Section 3.3.3.A.

The use requested is listed as a Special Permit in the use regulations for the applicable district or is so designated elsewhere in this Bylaw.

As per Section 5.5.3, Use Regulations for Business Districts, a three-family residential building is allowed in the B1 Neighborhood Office District with a Special Permit under the jurisdiction of the ARB due to its location on Mass Ave. The Board can find this condition met.

2. Section 3.3.3.B.

The requested use is essential or desirable to the public convenience or welfare.

The change in use from two residential units and an office to a three-family will administratively confirm the use that has been on this property for some time. The Board can find this condition met.

3. Section 3.3.3.C.

The requested use will not create undue traffic congestion or unduly impair pedestrian safety.

The proposed three-family use will not create undue traffic congestion or impair pedestrian safety. The Board can find this condition met.

4. Section 3.3.3.D.

The requested use will not overload any public water, drainage or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety, or the general welfare.

The proposed three-family use will not overload any public water, drainage, sewer system or other municipal system. The Board can find this condition met.

5. Section 3.3.3.E.

Any special regulations for the use as may be provided in the Bylaw are fulfilled.

There are no special regulations provided in the Bylaw for the proposed use. The Board can find this condition met.

6. Section 3.3.3.F.

The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health, morals, or welfare.

The proposed use does not impair the integrity or character of the B1 district and will not be detrimental to health or welfare. The surrounding uses are made up of residential, commercial, and mixed-use properties. The Board can find this condition met.

7. Section 3.3.3.G.

The requested use will not, by its addition to a neighborhood, cause an excess of the use that could be detrimental to the character of said neighborhood.

There will be no excess of three family residential use in the neighborhood as a result of this development. The Board can find this condition met.

III. Environmental Design Review Standards (Arlington Zoning Bylaw, Section 3.4)

1. EDR-1 Preservation of Landscape

The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.

There are no proposed changes to the landscape. This is an application for a change in use for an existing non-conforming parcel. The Board can find this condition is met.

2. EDR-2 Relation of the Building to the Environment

Proposed development shall be related harmoniously to the terrain and to the use, scale, and architecture of the existing buildings in the vicinity that have functional or visible relationship to the proposed buildings. The Arlington Redevelopment Board may require a modification in massing so as to reduce the effect of shadows on the abutting property in an R0, R1 or R2 district or on public open space.

There are no proposed changes to the building. This is an application for a change in use for an existing non-conforming parcel. The Board can find this condition is met.

3. EDR-3 Open Space

All open space (landscaped and usable) shall be so designed as to add to the visual amenities of the vicinity by maximizing its visibility for persons passing by the site or overlooking it from nearby properties. The location and configuration of usable open space shall be so designed as to encourage social interaction, maximize its utility and facilitate maintenance.

There are no proposed changes to the open space. This is an application for a change in use for an existing non-conforming parcel. The Board can find this condition is met.

4. EDR-4 Circulation

With respect to vehicular and pedestrian and bicycle circulation, including entrances, ramps, walkways, drives, and parking, special attention shall be given to location and number of access points to the public streets (especially in relation to existing traffic controls and mass transit facilities), width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, access to community facilities, and arrangement of vehicle parking and bicycle parking areas, including bicycle parking spaces required by Section 6.1.12 that are safe and convenient and, insofar as practicable, do not detract from the use and enjoyment of proposed buildings and structures and the neighboring properties.

There are no proposed changes to the building or the current traffic circulation patterns. This is an application for a change in use for an existing non-conforming parcel. The Board can find this condition is met.

5. EDR-5 Surface Water Drainage

Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Available Best Management Practices for the site should be employed, and include site planning to minimize impervious surface and reduce clearing and re-grading. Best Management Practices may include erosion control and stormwater treatment by means of swales, filters, plantings, roof gardens, native vegetation, and leaching catch basins. Stormwater should be treated at least minimally on the development site; that which cannot be handled on site shall be removed from all roofs, canopies, paved and pooling areas and carried away in an underground drainage system. Surface water in all paved areas shall be collected in intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in the paved areas.

In accordance with Section 3.3.4., the Board may require from any applicant, after consultation with the Director of Public Works, security satisfactory to the Board to ensure the maintenance of all stormwater facilities such as catch basins, leaching catch basins, detention basins, swales, etc. within the site. The Board may use funds provided by such security to conduct maintenance that the applicant fails to do.

The Board may adjust in its sole discretion the amount and type of financial security such that it is satisfied that the amount is sufficient to provide for any future maintenance needs.

There are no proposed changes to the building or the current traffic circulation patterns. This is an application for a change in use for an existing non-conforming parcel. The Board can find this condition is met.

6. EDR-6 Utility Service

Electric, telephone, cable TV, and other such lines of equipment shall be underground. The proposed method of sanitary sewage disposal and solid waste disposal from all buildings shall be indicated.

There are no proposed changes to the building or the current utility service. This is an application for a change in use for an existing non-conforming parcel. The Board can find this condition is met.

7. EDR-7 Advertising Features

The size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall not detract from the use and enjoyment of proposed buildings and structures and the surrounding properties.

There are no advertising features proposed. This is an application for a change in use for an existing non-conforming parcel. The Board can find this condition is met.

8. EDR-8 Special Features

Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.

There are no special features proposed as part of this application. The Board can find this condition is met.

9. EDR-9 Safety

With respect to personal safety, all open and enclosed spaces shall be designed to facilitate building evacuation and maximize accessibility by fire, police and other emergency personnel and equipment. Insofar as practicable, all exterior spaces and interior public and semi-public spaces shall be so designed to minimize the fear and probability of personal harm or injury by increasing the potential surveillance by neighboring residents and passersby of any accident or attempted criminal act.

The interior of the building is designed to facilitate building evacuation including two forms of egress. The property provides access to the building for fire, police and other emergency personnel and equipment from Mass Ave. The Board can find this condition met.

10. EDR-10 Heritage

With respect to Arlington's heritage, removal or disruption of historic, traditional or significant uses, structures or architectural elements shall be minimized insofar as practical whether these exist on the site or on adjacent properties.

This property is listed on the *Inventory of Historically or Architecturally Significant Properties in the Town of Arlington.* There are no proposed changes to the building. This is an application for a change in use for an existing non-conforming parcel. The Board can find this condition is met.

11. EDR-11 Microclimate

With respect to the localized climatic characteristics of a given area, any development which proposes new structures, new hard surface, ground coverage or the installation of machinery which emits heat, vapor or fumes shall endeavor to minimize insofar as practicable, any adverse impacts on light, air, and water resources or on noise and temperature levels of the immediate environment.

There are no new structures, hard surfaces, or other impacts to the micro-climate of the immediate area as there are no changes to the building or site proposed. The Board can find this condition is met.

12. EDR-12 Sustainable Building and Site Design

Projects are encouraged to incorporate best practices related to sustainable sites, water efficiency, energy and atmosphere, materials and resources, and indoor environmental quality. Applicants must submit a current Green Building Council Leadership in Energy and Environmental Design (LEED) checklist, appropriate to the type of development, annotated with narrative description that indicates how the LEED performance objectives will be incorporated into the project.

There are no proposed changes to the building. This is an application for a change in use for an existing non-conforming parcel. The Board can find this condition is met.

IV. Findings

1. The ARB can find that the project is consistent with Environmental Design Review per §3.4 of the Zoning Bylaw.

2. The ARB can find that the project is consistent with §3.3, Special Permits of the Zoning Bylaw.

V. Conditions

A. General

1. Any substantial or material deviation during construction from the approved plans and specifications is subject to the written approval of the Arlington Redevelopment Board.

2. The Board maintains continuing jurisdiction over this permit and may, after a duly advertised public hearing, attach other conditions or modify these conditions as it deems appropriate in order to protect the public interest and welfare.

3. The applicant must comply with the conditions set forth herein, with the State Building Code, including the Town of Arlington requirements, and, where applicable, with the Massachusetts Architectural Access Board regulations.