

Arlington Redevelopment Board
Monday, May 19, 2025, at 7:00 PM
Town Hall Annex, First Floor Conference Room
730 Massachusetts Ave, Arlington, MA 02476
Meeting Minutes

This meeting was recorded by ACMI.

PRESENT: Rachel Zsemlery (Chair), Eugene Benson, Shaina Korman-Houston, Kin Lau, Stephen Revilak

STAFF: Claire Ricker, Director of Planning and Community Development; Sarah Suarez, Assistant Director of Planning and Community Development

The Chair called the meeting of the Board to order.

The Chair opened with **Agenda Item 1 – Review Meeting Minutes.**

May 5, 2025 – The Board members made no changes to the minutes. The Chair requested a motion to approve the May 5 minutes as submitted. Mr. Benson so moved, Ms. Korman-Houston, and the Board voted in favor 4-0, with Mr. Lau abstaining.

The Chair moved to **Agenda Item 2 – Public Hearing: Docket #3798, 821 Massachusetts Ave (continued from April 14, 2025).**

Ms. Ricker said that the applicant submitted new and updated materials since the last hearing date, including an updated drawing set, revised dimensional table, revised narrative, new EDR application, and a new SketchUp model.

The applicant was represented by architect Andres Rojas and attorney Mary Winstanley-O'Connor. Ms. Winstanley-O'Connor said that the grading and seeding of the lot will be done on Wednesday, May 20, 2025.

Mr. Rojas said that the areas where materials change on the exterior of the building are accentuated in the new plans, which has added a small amount of square footage. The renderings are from eye level. They intend to use concealed connectors for the rain screen panels, and they have submitted information about those materials.

Mr. Lau asked for confirmation that all the windows would be black or dark gray, and Mr. Rojas responded that they would be. Mr. Lau asked for that to be indicated in the drawings. He also asked if the applicant would be willing to change the trellis on the roof to be PVC- or vinyl-clad, so that it would be lighter. He would also like the trellis to be a smaller and lighter framing. He asked that the parapet returns at the articulation in the façade to be clearly indicated on the plans.

Mr. Revilak asked why one of the windows in the middle section of the east elevation is smaller than the other two. Mr. Rojas replied that the smaller window will be over a kitchen counter.

Mr. Revilak said that he prefers the darker color for the trellis, and he would not like to see it be a different color from everything else on the building.

Ms. Korman-Houston said that the fiber cement, cornice, and stone base are all very close in color and are likely to fade together. She would prefer to see one of those three materials in a slightly darker shade. She likes the darker trellis as it provides contrast.

The Chair said that she appreciates that the applicant has addressed all the comments made at the last meeting. She agreed with Ms. Korman-Houston, and she would like the applicant to propose a slightly darker color for the rain screen

panels, the water table, or the cornice. The proposed changes could be sent to DPCD, which would then share them with the Board, rather than continuing the hearing and requiring the applicant to come to another Board meeting.

The Chair said that she prefers the darker color for the trellis. Mr. Rojas said that it would be made of metal in a dark color. The Chair asked that the applicant include materials indicating the final color of the trellis in the materials to be submitted to DPCD.

Mr. Lau said that he does not see the colors of the rain panels, water table, and cornice as a problem, but he will support the Board in asking for a change if the rest of the Board wants to see that. He is also willing to accept a darker trellis.

The Chair opened the floor to public comment. Seeing no one who wished to speak, she closed public comment.

The Chair noted that at a previous meeting, a member of the public asked if a bench or something else could be created from the wood of the large tree to be taken down, to remain onsite. She asked if the applicant would be willing to do so. Mr. Rojas replied that they will consult with an arborist, and if possible, they will create a table or bench to remain on site.

Mr. Benson asked that the permit include the date of the most recent set of plans, because so many different plans have been submitted. He also requested that the requirement to plant trees along the entire site, including the CVS portion of the site, be included as a special condition.

The Chair also suggested a special condition that no exterior venting will be included on any exterior walls. Mr. Rojas noted that all venting will take place through the roof.

The Chair said that she thinks the design has improved and fits in more contextually with the adjacent neighborhood than earlier designs, but it is still not quite what she hoped for.

The Chair asked for a motion to approve Docket 3798, 821 Mass Ave, with the finding that the proposal in its current form meets the requirements of Section 3.3 and 3.4 of the Zoning Bylaw, with the following special conditions:

- that the parapet return and articulation of the façade be constructed as submitted;
- that the window framing be black or dark gray as indicated in the renderings;
- that the final selection of the coloration of the water table, rain screen, parapet, and trellis be submitted to the Board for approval through DPCD;
- that the owner make every effort to salvage some of the wood from the old growth pine tree being removed to be used for a bench or table on site;
- that this approval applies to the version of the plans dated 5/19/2025;
- that there will be no exterior venting on the vertical facades for any of the units in the building or any of the building systems;
- that this project will adhere with the street tree bylaw (Section 6.3 of the Zoning Bylaw) for the entire site, including the CVS area, per the submitted site plan; and
- that all signage must be submitted as a separate permit.

Mr. Lau so moved, Mr. Benson seconded, and the Board voted unanimously in favor.

The Chair moved to **Agenda Item 3 – Public Hearing: Docket #3348, 821-837 Massachusetts Ave (continued from April 14, 2025).**

The Chair noted that the Board needs to amend special condition 5 as it was originally set forth in the 2009 decision. She asked for a motion that the Board's decision regarding Docket 3348, issued on or about April 13, 2009, and amended on or about November 4, 2019, be further amended by modifying special condition number 5 as set forth in the 2009 decision to read: "The Atwood House shall be replaced, consistent with the ARB decision in docket number 3798." Mr. Benson so moved, Mr. Lau seconded, and the Board voted unanimously in favor.

The Chair moved to **Agenda Item 4 – Town Meeting Discussion.**

Article 38

The Chair noted that the Board has previously discussed the Greenspon substitute motion for Article 38. They did not take a formal vote, but the Board members who had previously voted against the article still had concerns about some of the same issues with the substitute motion, and the Board member who had previously voted for the article was in support of the substitute motion as well. Another substitute motion has been submitted by James Fleming. It addresses some of the Board's concerns, but it also creates other challenges.

Mr. Benson said that he wrote a memo in response to the Fleming substitute motion which has been posted to the Annotated Warrant. He thinks that the Zoning Bylaw should be amended to allow more flexibility with home occupations, given that it was written before the availability of tools enabling remote work. However, the Fleming substitute motion has a significant number of legal and policy flaws.

- It allows noise generated to be as loud as allowed by the noise abatement bylaw, which allows up to 85 decibels at the property line. 85 decibels is comparable to the sound of a diesel truck or gasoline-powered snow-blower, which Mr. Benson thinks is too high and could damage someone's hearing. He also noted that noise produced in a building that registered at 85 decibels at the property line would be significantly higher inside the building. The noise abatement bylaw was written for things like outdoor construction and demolition, and it was never intended to be applied to home employment or other work conducted in residential areas. The state noise bylaw is completely different and limits noise to 10 decibels above ambient, but it cannot easily be applied to this article because it is intended for situations in which it is possible to figure out ahead of time what the noise level is likely to be and what mitigation should be required. Mr. Fleming's substitute motion also removed a statement from the original motion saying that the home occupation shall not become objectionable or detrimental to residential uses.
- Mr. Fleming added the word "commercial" to the definition of home occupation, which excludes non-residential uses such as non-profits.
- Mr. Fleming replaced the phrase saying that no non-residents shall be employed within the residence with a phrase saying that no more than two non-residents can be employed there. That could be read to mean that no residents can be employed there. Allowing non-resident employees should be done in a way that indicates that at least one resident must also be employed there.
- The description of what can be sold onsite is ambiguous. It is not clear what items can be sold that were made onsite, and what items can be sold that were not made onsite.
- The prohibition of explosive and hazardous materials should have cited the state hazardous waste law.
- The substitute motion only allows home occupations inside the residence, but it should allow work outside as well.

Mr. Benson said that he thinks that Mr. Fleming's ideas about supporting home occupations are good, but the execution of the substitute motion is highly flawed. The problems are all fixable, but it would be too rushed to try to submit an amendment at this stage. He would prefer to work with Mr. Fleming to create a better warrant article for a future Town Meeting.

The Chair also noted that the substitute motion also created new signage rules that were not connected to the existing signage bylaw.

Ms. Korman-Houston said that she appreciated Mr. Fleming's attempts to address the Board's concerns, but she agrees with Mr. Benson's concerns. She would like to see Mr. Benson and Mr. Fleming work together to present a modified article to a future Town Meeting.

Mr. Revilak said that he also has a problem with the way signage is treated. He is not concerned about the noise issue, because it still says that business uses on the premises shall not have a detrimental impact on the neighborhood or residential uses on the premises. He also noted that there are other methods of dealing with noisy neighbors. He will probably support the substitute motion at Town Meeting.

Mr. Lau said that he agreed with Mr. Benson's concerns. He thinks that Mr. Fleming should work further with the Board to make modifications. He also noted that there has been no public input. Because this is a substitute motion, it did not have a public hearing as the original motion did.

The Chair noted that it is difficult to write zoning bylaws, because they connect to so many other local and state bylaws and ordinances, and so many scenarios must be considered. It is preferable for people presenting zoning warrant articles to work closely with the Board and/or DPCD to make sure that their proposals are consistent with state and local laws and regulations and that they will have the desired effect.

Mr. Benson noted that the specific requirement that noise not exceed 85 decibels at the property line in the substitute motion would take precedence over the general requirement not to disturb neighbors.

The Chair said that if asked at Town Meeting, she would say that the majority of the Board is not in support of the substitute motion as currently written, but is support of the spirit of the amendment, and would be open to working further with Mr. Fleming.

Article 40

An amendment, a motion to commit, and an amendment to the motion to commit have all been proposed for Article 40.

Mr. Revilak said that the motion to commit may indicate that the Board Report did not share enough information about research that has been done on this issue in the past. He thinks that the motion seems like a way to drag the process out.

Mr. Benson said that he does not think that forming a committee is necessary for Town Meeting to reach a decision. Mr. Lau agreed.

The Chair said that the Town has a finite number of people with expertise on zoning, and they are asked to serve on such committees over and over again. The Board has already formed committees for the Comprehensive Plan process and for both the Arlington Heights and East Arlington rezoning process. Town Meeting just voted to create a committee to plan an affordable housing overlay, which the Board and DPCD will also have to staff. She is afraid that adding another committee will burn through the volunteers and DPCD staff, who are also committed to working on transportation priorities, sustainability initiatives, and other objectives.

Ms. Korman-Houston agreed.

Mr. Revilak noted that the amendment to the motion to commit says that the committee should look at infrastructure and environmental resources, but it removes both the Department of Public Works and the Environmental Planner.

Mr. Benson noted that if the committee presents a proposal to the Board that involves rezoning the R0 and R1 districts, DPCD will need to send first-class notification to everyone in the affected districts. He would like to get an estimate of how much that will cost. Such a notification is not required by the current language of Article 40, which is a use change, not a zoning map change. Based on previous large mailings, Ms. Ricker estimated that it would be approximately \$10,000 in postage. Mr. Benson noted that there would also be the costs of printing and staff time. He also said that he believes the motion to commit violates state law, because warrant articles can only be filed by the Redevelopment Board, the Select Board, or a group of at least ten citizen residents.

The Chair said that if asked at Town Meeting, she would say that the Board is not in support of the motion to commit or the amendment to the motion to commit because of the finite resources available and the fact that the Board's 2026 agenda is already set, as well as the flaws in the infrastructure and environmental resources in the amendment.

Mr. Revilak moved that the Board does not support the Motion to Commit for Article 40 and its amendment. Mr. Benson seconded. The Board voted unanimously in favor of the motion.

The Chair noted that the Board will not have time to review the Friedman Amendment to Article 40

The Chair asked for a motion to adjourn. Ms. Korman-Houston so moved, and Mr. Lau seconded. The Board voted and approved unanimously.

Meeting Adjourned to Town Meeting at 8:00 pm.

Documents used:

- Agenda Item 1 DRAFT ARB Minutes – May 5, 2025
- Agenda Item 2 821 Mass Ave – EDR Special Permit Application – 2025-05-19
821 Mass Ave – Revised Dimensional and Parking Info – 2025-05-19
821 Mass Ave – Revised Narrative – 2025-05-19
821 Mass Ave – Drawing Set – 2025-05-19
821 Mass Ave – Concealed fixing solution – Equitone
821 Mass Ave – LEED Checklist – 2024-09-05
821 Mass Ave – Materials Board – Exterior Finishes – 2025-03-10
- Agenda Item 3 Decision Docket 3348 821-837 Mass Ave – 04-13-2009
Docket 3348 Re-opening Decision – 833 Mass Ave – 11-04-2019
- Agenda Item 4 Article 38 Greenspon Substitute Motion
Article 38 Fleming Substitute Motion
Article 40 Friedman Amendment
Article 40 Goldsmith-Miller Motion to Commit
Article 40 Cullinane Amendment to Motion to Commit