



Town of Arlington, MA Redevelopment Board

Agenda & Meeting Notice January 4, 2021

This meeting is being held remotely in accordance with the Governor's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law G.L. c. 30A, Section 20. Public comments will be accepted during the public comment periods designated in the agenda. The public may email or provide any comments to jraitt@town.arlington.ma.us by January 4, 2021 at 12:00 p.m.

The Arlington Redevelopment Board will meet Monday, January 4, 2021 at 7:00 PM in the
Join Zoom Meeting with audio and video by using this link and Meeting ID: <https://town-arlington-ma-us.zoom.us/j/91549871573> | Enter Meeting ID: 915 4987 1573 or join by phone by calling: 1-646-876-9923, enter the Meeting ID 915 4987 1573.

1. Continued Public Hearings

7:00 p.m. **Docket #3640, 86 River Street**

Continued Public Hearing

Board will continue public hearing for Special Permit #3640 to review application filed on November 19, 2020 by Craig Murphy, Cambridge Repro-Graphic, 21 McGrath Highway, Somerville, MA, for owner Frank Balurdi, 30 Harvard Avenue, Medford, MA, in accordance with the provisions of MGL Chapter 40A § 11, and the Town of Arlington Zoning Bylaw Section 3.4, Environmental Design Review. The applicant proposes to install two wall signs at 86 River Street, Arlington, MA, which exceeds the allowed signage in the R2 Two-Family District. The opening of the Special Permit is to allow the Board to review the signage under Section 6.2, Signs.

Docket #3638, 400-402 Massachusetts Avenue

Continued Public Hearing

Board will continue public hearing for Special Permit #3638 to review application filed on October 15, 2020 and supplemented on November 5, 2020, by 400-402 Mass Avenue, LLC, at 400-402 Massachusetts Avenue, Arlington, MA, in accordance with the provisions of MGL Chapter 40A § 11, and the Town of Arlington Zoning Bylaw Section 3.4, Environmental Design Review. The applicant proposes to establish a mixed-use building with four (4) residential units and one (1) office unit in an existing building in a B1 Neighborhood Office District. The opening of the Special Permit is to allow the Board to review and approve the development under Section 3.4, Environmental Design Review.

- For each public hearing, applicants will be provided 5 minutes for a presentation.
- DPCD staff will be provided 3 minutes to discuss public hearing memo.

- Members of the public will be provided time to comment.
- Board members will discuss each docket and may vote.

2. Potential Zoning Bylaw amendments for 2021 Annual Town Meeting continued discussion from December 9, 2020

7:45 p.m. **This agenda item will include presentation and discussion about a proposal for energy efficient homes and two separate proposals for accessory dwelling units**

Board members will continue discussion and may move to support advancement and filing of warrant articles

Pasi Miettinen will be provided time to discuss a proposed warrant article regarding energy efficient homes

3. ARB pre-hearing process recommendation

9:00 pm. Board will discuss suggested process for review of Warrant Article process

4. Open Forum

9:30 p.m. Except in unusual circumstances, any matter presented for consideration of the Board shall neither be acted upon, nor a decision made the night of the presentation. There is a three minute time limit to present a concern or request.

5. Adjourn

9:50 p.m. Estimated Time for Adjournment

6. Correspondence Received

Correspondence received from:

D. Seltzer 01-04-21

P. Worden 01-04-21



Town of Arlington, Massachusetts

Continued Public Hearings

Summary:

7:00 p.m.

Docket #3640, 86 River Street

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- Board members will discuss each docket and may vote.

ATTACHMENTS:

Type	File Name	Description
Reference Material	EDR_Public_Hearing_Memo_Docket_#3640_86_River_Street.pdf	EDR Public Hearing Memo Docket #3640 86 River Street
Reference Material	Combined_Application_Materials.pdf	Combined Application Materials Docket #3640 86 River Street
Reference Material	EDR_Public_Hearing_Memo_Docket_3638_400-402_Mass_Ave_11-19-20.pdf	EDR Public Hearing Memo Docket 3638 400-402 Mass Ave
Reference Material	Jennifer_Raitt_supplement_submission_400-402_Mass_2020_12_16.pdf	Jennifer Raitt Supplemental Submission 400-402 Mass Ave.
Reference Material	400_Mass_Ave_-_LEED_v4_for_BD+C_-_2020_12_15.pdf	400 Mass Ave LEED

Reference Material	400_MASS_AVE_-_Sustainable_goals_2020_12_15.pdf	400 Mass Ave - Sustainable Goals
Reference Material	Land_and_Sea_Real_Estate_2020_12_15.pdf	Land and Sea Real Estate 2020
Reference Material	Mass_Ave_Arlington_Apartments_2020_12_15.pdf	Mass Ave Arlington Apartments 2020 12 15
Reference Material	New_York_Times_2020_12_15.pdf	New York Times 2020 12 15
Reference Material	Application_Materials_Submitted_11-5-20.pdf	Application Materials Submitted 11-5-20
Reference Material	Application_Materials_Submitted_10-15-20_-_Superseded.pdf	Application Materials Submitted 10-15-20
Reference Material	400-402_Mass_Ave_ZBA_Decision_dated_6-23-20.pdf	400-402 Mass Ave ZBA Decision dated 6-23-20
Reference Material	Docket_#2306_400-402_Mass_Ave_Decision_date_4-9-1980.pdf	Docket #2306 400-402 Mass Ave Decision date 4-9-1980-



Town of Arlington, Massachusetts
Department of Planning & 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: Jennifer Raitt, Secretary Ex-Officio

Subject: Environmental Design Review, 86 River Street, Arlington, MA
Docket #3640

Date: December 15, 2020

I. Docket Summary

This is an application by Cambridge Repro-Graphics, 21 McGrath Highway, Somerville, for Frank Balurdi, owner of the property at 86 River Street, Arlington, MA, 02474, for Special Permit Docket #3640 in accordance with the provisions of MGL Chapter 40A § 11, and the Town of Arlington Zoning Bylaw Section 3.4, Environmental Design Review. The applicant seeks approval of signage that exceeds the allowed signage in the R2 Two-Family District. The opening of the Special Permit is to allow the Board to review and approve the signage under Section 6.2, Signs.

Materials submitted for consideration of this application include:

- Application for EDR Special Permit,
- Impact statement;
- Dimensional information of the proposed signage, and
- Renderings of signage.

The property at 86 River Street has been used for many years as an automotive business although located in an R2 Two-Family District. The current owner of the property has redeveloped the site and continued the automotive use of the property. Section 6.2, Signs, directs the Redevelopment Board to review any requests for sign special permits via

Environmental Design Review. The Zoning Board of Appeals is not given the authority to grant sign special permits in Section 6.2.

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.

This automotive use has been established at this site for many years, and is a pre-existing, non-conforming use for the R2 Two-Family District. The signage is the subject of the special permit as required by Section 6.2, Signs. The Board can find that this condition is met.

2. Section 3.3.3.B.

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

Automotive-related businesses have operated in this location for many years, and this business provides a service for the community. The recent redevelopment of the site is an improvement over the previous condition. The Board can find that this condition is met.

3. Section 3.3.3.C.

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

Only the signage is subject to review. The improvements to the site completed by the owner do not create undue traffic congestion or impair pedestrian safety. The Board can find that this condition is 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 automotive use does not overload any municipal systems. The Board can find that this condition is met.

5. Section 3.3.3.E.

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

No special regulations are applicable to the proposal. The Board can find that this condition is 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 or welfare.

The use does not impair the integrity or character of the neighborhood. The Board can find that this condition is 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.

The use will not be in excess or detrimental to the character of the neighborhood. The Board can find that this condition is 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 changes to the landscape as there are no proposed exterior alterations other than new signage. The previous redevelopment of the property improved the site's condition. The Board can find that 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 changes to the exterior of the building other than the new signage. The previous redevelopment of the property improved the site's condition. The Board can find that 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.

Open space was created as part of the previous redevelopment of the property. There are no changes to open space as a result of the sign proposal. The Board can find that 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.

The previous redevelopment of the site improved the circulation. The addition of signage does not change any circulation patterns. The Board can find that 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 insure 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 will be no changes to the exterior of the building or surface water run-off as a result of this proposal. The previous redevelopment of the site included drainage improvements. The Board can find that this condition is met.

6. EDR-6 Utilities 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 will be no changes to the utility service as a result of this proposal. The Board can find that 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.

Being located in an R2 Two-Family District, this business is at a disadvantage relative to the signage allowed. In order to allow this business signage that exceeds what is allowed in this location, the Residential Sign District as defined by Section 6.2, a special permit has been requested. Per section 6.2.2(C), the ARB may grant a special permit to allow additional signage, a greater number of signs, or in a location that is otherwise not allowed, "provided the architecture of the building, the location of the building relative to the street, or the nature of the use being made of the building is such that an additional sign or signs of a larger size should be allowed in the public interest."

The building is oriented toward the intersection of River Street and the Mystic Valley Parkway, a major intersection and facing away from the residential properties on River Street. The site has been the location of automotive businesses in the past and the redevelopment of the site has improved the condition of the property. In order to adequately find the business, the larger signs are in the public's interest. The proposal includes a wall sign and a canopy sign consistent with the requirements of the Business Sign District, which encompasses the B2A, B3, B4, and B5 districts.

The wall sign will be mounted on the façade of the building facing Mystic Valley Parkway. The sign is approximately 36 square feet and is mounted to the building at a height less than 25 feet as the building is 22 feet tall. The letters of Smooth Automotive (without the tire marks) will be internally illuminated. The letters will appear black during the day, but when illuminated the letters will appear white. The sign will be bracketed to the wall.

The canopy sign will face River Street. The sign is approximately 19.4 square feet and each letter is mounted to the top of a structural awning above the customer entrance.

Each letter is individually cut brushed aluminum letters. The applicant should clarify the mounting height as the bottom of the sign should be no more than 8 feet to the sidewalk elevation adjacent to the building. This sign is not illuminated.

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.

No changes are proposed. The Board can find that 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.

No changes are proposed. The Board can find that this condition is 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.

The building and property at 86 River Street is not listed on the *Inventory of Historically or Architecturally Significant Properties in the Town of Arlington*.

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.

No changes are proposed. The Board can find that 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.

No changes are proposed. The Board can find that this condition is met.

IV. Findings

1. The ARB finds that the nature of the use being made of the building is such that allowing an additional sign and signs of a larger size is in the public interest consistent with Section 6.2 of the Zoning Bylaw.
2. The ARB finds that the project is consistent with Environmental Design Review per Section 3.4 of the Zoning Bylaw.

V. Conditions

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.



TOWN OF ARLINGTON
REDEVELOPMENT BOARD

Application for Special Permit In Accordance with Environmental Design
Review Procedures (Section 3.4 of the Zoning Bylaw)

PLANNING & COMMUNITY
DEVELOPMENT

2020 NOV 12 P 12:33

- Docket No. _____
- Property Address 86 River Street
Name of Record Owner(s) Frank Balurdi Phone 781-248-2370
Address of Owner 30 Harvard Ave. Medford, MA 02155
Street City, State, Zip
 - Name of Applicant(s) (if different than above) Craig Murphy
Address Cambridge Repro-Graphics, 21 McGrath Hgwy, Somerville, MA 02143 Phone 617-623-2838
Status Relative to Property (occupant, purchaser, etc.) Contractor
 - Location of Property Map 041.0 Block 0006 Lot 0011.0
Assessor's Block Plan, Block, Lot No.
 - Deed recorded in the Registry of deeds, Book _____, Page _____;
-or- registered in Land Registration Office, Cert. No. _____, in Book _____, Page _____.
 - Present Use of Property (include # of dwelling units, if any) Auto Service (commercial)
 - Proposed Use of Property (include # of dwelling units, if any) Same as above
 - Permit applied for in accordance with the following Zoning Bylaw section(s) MA Building Codes
Town of Artlington Bylaws
section(s) title(s)
 - Please attach a statement that describes your project and provide any additional information that may aid the ARB in understanding the permits you request. Include any reasons that you feel you should be granted the requested permission.
Install internally lit sign 3'x12' on front of building and Smooth Auto Lettering on side of building

(In the statement below, strike out the words that do not apply)

The applicant states that Frank Balurdi is the owner ~~-or- occupant -or- purchaser -and- agent-~~ of the property in Arlington located at 86 River Street which is the subject of this application; and that unfavorable action ~~-or-~~ no unfavorable action has been taken by the Zoning Board of Appeals on a similar application regarding this property within the last two years. The applicant expressly agrees to comply with any and all conditions and qualifications imposed upon this permission, either by the Zoning Bylaw or by the Redevelopment Board, should the permit be granted.

Craig Murphy
Signature of Applicant(s)

Cambridge Repro-Graphics, 21 McGrath Hgwy, Somerville, MA 02143 617-623-2838
Address Phone



DRAWING TITLE: Smooth Auto	CUSTOMER:	CONTACT PHONE :
PROJECT ADDRESS:		DATE :
JOB NUMBER:	E-MAIL:	
JOB DESCRIPTION:		

Proposed View of Property

PLANNING & COMMUNITY
DEVELOPMENT
2020 NOV 12 P 12:33



SIDE OF BUILDING





DRAWING TITLE: Smooth Auto	CUSTOMER:	CONTACT PHONE :
PROJECT ADDRESS:		DATE :
JOB NUMBER:	E-MAIL:	
JOB DESCRIPTION:		

SIGN OVER GARAGE

SIGN WILL BE AN INTERNALLY LIT LIGHT BOX SIGN
 TIRE MARKINGS WILL BE PRINTED GRAPHICS ON FACE
 'Car care center' WILL BE CUT AND LIT WITH RED LEDs
 'Smooth Auto' WILL BE CHANNEL LETTERS WITH PERFORATED VINYL
 TO APPEAR BLACK DURING DAY AND LIGHT UP WHITE AT NIGHT

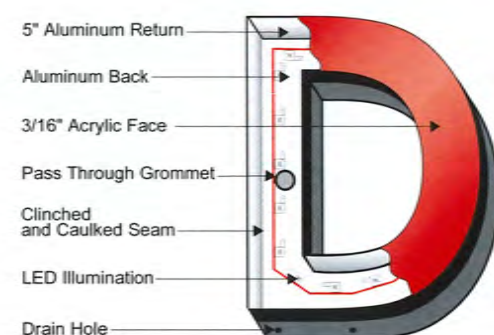
Smooth Automotive

Car Care & Tire Center

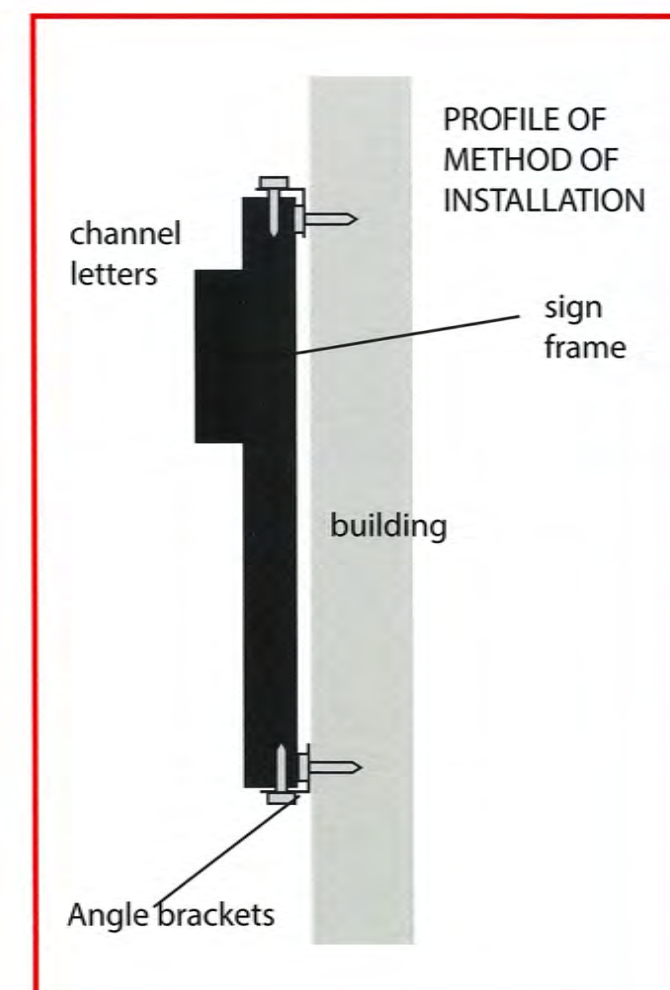
3'

Front Lit Channel Letters

12'



FRONT VIEW



SALES • DESIGN • PERMITS • FABRICATION • INSTALLATION • MAINTENANCE

14 of 126



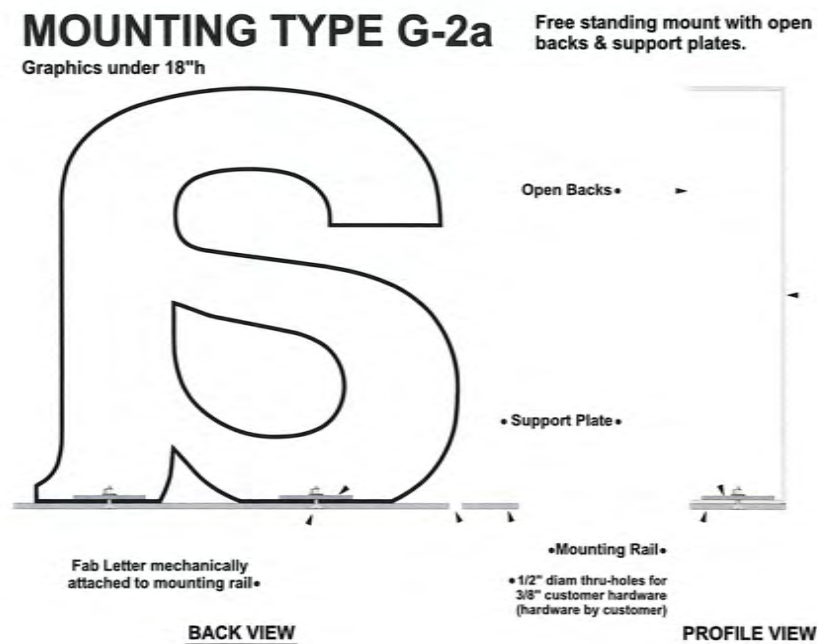
DRAWING TITLE: Smooth Auto	CUSTOMER:	CONTACT PHONE :
PROJECT ADDRESS:		DATE :
JOB NUMBER:	E-MAIL:	
JOB DESCRIPTION:		

SIGN INSTALLED TO METAL AWNING

SIGN WILL BE ROUTED BRUSHED ALUMINUM LETTERS MOUNTED ONTO THE METAL AWNING

Smooth Automotive | 15.5"

15'





Town of Arlington Redevelopment Board
Application for Special Permit in accordance with
Environmental Design Review (Section 3.4)

Required Submittals Checklist

Two full sets of materials and one electronic copy are required. A model may be requested. Review the ARB's Rules and Regulations, which can be found at arlingtonma.gov/arb, for the full list of required submittals.

- ☒ Dimensional and Parking Information Form (see attached)
- ☒ Site plan of proposal
- ☐ Model, if required
- ☒ Drawing of existing conditions
- ☒ Drawing of proposed structure
- ☐ Proposed landscaping. May be incorporated into site plan
- ☒ Photographs
- ☒ Impact statement
- ☒ Application and plans for sign permits
- ☐ Stormwater management plan (for stormwater management during construction for projects with new construction)

FOR OFFICE USE ONLY

- | | |
|-------------------------------------------------------------------------------|----------------------------|
| <input type="checkbox"/> Special Permit Granted | Date: <input type="text"/> |
| <input type="checkbox"/> Received evidence of filing with Registry of Deeds | Date: <input type="text"/> |
| <input type="checkbox"/> Notified Building Inspector of Special Permit filing | Date: <input type="text"/> |

TOWN OF ARLINGTON

Dimensional and Parking Information
for Application to
The Arlington Redevelopment Board

Docket No. _____

Property Location 86 River Street

Zoning District R2

Owner: Frank Balurdi

Address: 30 Harvard Ave., Medford, MA 02155

Present Use/Occupancy: No. of Dwelling Units:

Automotive Service Station - 1 unit

Uses and their gross square feet:

Automotive Service Station - 1024 gsf

Proposed Use/Occupancy: No. of Dwelling Units:

Automotive Service Station - 1 unit

Uses and their gross square feet:

Automotive Service Station - 2400 gsf

	<u>Present Conditions</u>	<u>Proposed Conditions</u>	<u>Min. or Max. Required by Zoning for Proposed Use</u>
Lot Size	7030	7030	min.
Frontage	60	60	min. 60
Floor Area Ratio			max.
Lot Coverage (%), where applicable			max.
Lot Area per Dwelling Unit (square feet)	7030	7030	min. 6000
Front Yard Depth (feet)			min.
Side Yard Width (feet) right side			min.
left side			min.
Rear Yard Depth (feet)			min.
Height	22'		min.
Stories	1.5		stories
Feet	22'		feet
Open Space (% of G.F.A.)			min.
Landscaped (square feet)			(s.f.)
Usable (square feet)			(s.f.)
Parking Spaces (No.)	appx 8		min.
Parking Area Setbacks (feet), where applicable			min.
Loading Spaces (No.)			min.
Type of Construction	Type V-B		
Distance to Nearest Building			min.



11/16/20

RE: Smooth Automotive Impact Statement

The purpose of this proposal is to allow Smooth Automotive signs that will attract business to his location while also providing a pleasing image of the sign and property for the citizens of Arlington.

This proposal comprises of 2 signs:

Main Sign: This is a 3'x12' internally lit wall sign. The sign has a non lit white backer with non lit tire markings that fall off the two "o's" in Smooth. The black letters of "Smooth Auto" will be raised acrylic letters that will appear black during the day and white when lit at night. The edges of the letters will be white in both cases.

Secondary Sign: This sign will be individually cut brushed aluminum letters mounted on top of the side metal awning.

Petition for Special Permit under Environmental Design Review

The following is answers to the petition standards provided by Arlington:

STANDARDS 1-6: These standards were well addressed during the build-out of the property. The buildout created landscaping where there was none, a beautiful building that is in keeping with the environment. The building now features open space, circulation, water drainage and hidden utilities.

STANDARD 7: The main sign is located over the garage bays where it would be easily seen. The sign is set back from the curb appx 35' and from the traffic much more than that. The size and coloring shown in the drawings are designed to be understated and yet found easily by vehicle and pedestrian traffic.

Secondary sign is well understated and mainly allows the traffic to realize that they arrived at the property if traveling along River Street.



STANDARD 8: NA

STANDARD 9: The signs will provide a safety service to the public by providing a simple and clear message assisting vehicular traffic approaching both sides of this service station.

STANDARD 10-12: N/A

Special Permit Criteria:

- 1: The Bylaw allows the Redevelopment Board to permit signs that are greater size, quantity or location
- 2: The signs will be a service to the public good by providing direction to the service station
- 3: The signs proposed will assist vehicular traffic approaching the service station from both Mystic Valley Parkway and River Street.
- 4: N/A
- 5: N/A
- 6: The city will be well served with these updated signs that replace Finochetti's Auto signs that was an outdated banner on the building.
- 7: The previous use of the property was a service station. The new use is a service station. The difference is now there is a pleasing to the eye building with beautiful landscaping and signs.



Town of Arlington, Massachusetts
Department of Planning & 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: Jennifer Raitt, Secretary Ex Officio

Subject: Environmental Design Review, 400-402 Massachusetts Ave, Arlington, MA
Docket #3638

Date: November 19, 2020

I. Docket Summary

This is an application by 400-402 Mass Avenue, LLC to establish a mixed-use building with four (4) residential units and (1) office unit in an existing building at 400-402 Massachusetts Avenue. The opening of Special Permit Docket #3633 will allow the Board to review and approve the development in the B1 Neighborhood Office District under Section 3.4 Environmental Design Review (EDR).

A 1980 Zoning Board of Appeals (ZBA) decision was issued relative to this property which limited the number of residential units on the property to two (2) with one (1) onsite parking space per dwelling unit. The Special Permit decision also conditioned the entrance to the basement office be from the front of the building with an open stairway leading down from the front inside entrance and clearly marked as to how to enter the basement office.

On June 23, 2020, the ZBA issued a decision (attached) amending the 1980 decision. The ZBA found that it would be appropriate for the ARB to evaluate the application under Environmental Design Review as the ARB is the Special Permit Granting Authority for the site and proposed use. The ZBA decided that if the ARB grant a special permit after finding that all applicable review criteria are met then the four conditions of the 1980 Special

Permit would be withdrawn. If the ARB does not grant a special permit, then the 1980 conditions would stand.

The Applicant does not propose any exterior changes to the existing building. Based on the information presented in the application materials, the Applicant is seeking review by the ARB in order to convert office space into dwelling units. If there are any exterior changes proposed, including signage, the Applicant must seek a Certificate of Appropriateness from the Arlington Historic Districts Commission due to being located within the Avon Place Historic District.

Materials submitted for consideration of this application:

- Application for EDR Special Permit including dimensional and parking information, dated October 15, 2020 and updated November 7, 2020;
- Narrative and impact statement dated October 15, 2020 and updated November 7, 2020;
- LEED Considerations, prepared by Lagrasse Yanowitz & Feyl, dated October 15, 2020 and updated November 7, 2020;
- Building Façade Photos, dated October 15, 2020 and updated November 7, 2020;
- Existing Floor Plans, prepared by Lagrasse Yanowitz & Feyl, dated January 14, 2020; and
- Proposed Floor Plans, prepared by Lagrasse Yanowitz & Feyl, dated May 28, 2020.

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.

The use is allowed in the B1 Neighborhood Office District with a Special Permit under the jurisdiction of the ARB due to its location on Massachusetts Avenue. The Board can find that this condition is met.

2. Section 3.3.3.B.

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

The Master Plan recommends supporting commercial areas by encouraging new redevelopment, including residential and commercial uses, in and near commercial corridors. This building is located in the Arlington Center commercial district and in close proximity to amenities located on Massachusetts Avenue. The corridor is served by transit and the site by existing infrastructure. This project will provide a net increase of two residential units. The Board can find that this condition is met.

3. Section 3.3.3.C.

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

The proposed use will not create undue traffic congestion or unduly impair pedestrian safety. The Board can find that this condition is 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 use will not overload any municipal systems. The Board can find that this condition is met.

5. Section 3.3.3.E.

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

All such regulations are fulfilled.

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 or welfare.

The proposed use does not impair the integrity or character of the B1 district or adjoining districts and will not be detrimental to health or welfare. The Board can find that this condition is 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.

The proposed use will not be in excess or detrimental to the character of the neighborhood. The Board can find that this condition is 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 exterior changes proposed. Existing landscaping at the front of the building and along the Avon Place sidewalk will remain. The Board can find that 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.

The existing building is situated in a stretch of Massachusetts Avenue in Arlington Center that is zoned B1. Within this district there are: two mixed-use buildings of residential and office space; a funeral home; two two-family dwellings; a three-family dwelling; and a single-family dwelling. The proposed mix of office space and residential space is consistent with the current uses in this B1 district. With no exterior changes to the existing building at 400-402 Massachusetts Avenue, there will be no change to the existing architectural pattern along this stretch of Massachusetts Avenue. The Board can find that 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.

The existing open space remains as there are no exterior changes to the existing structure. The site includes 864 square feet of landscaped open space and zero square feet of usable open space. The Board can find that 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.

The Applicant is proposing six parking spaces on site, and is requesting a parking reduction per Section 6.1.5. The parking requirement for the building is as follows:

Parking Requirement			
		<u>Zoning Requirement</u>	<u>Total Parking Required</u>
Office Space	630 sf	1/500 sf*	0
Residential	3 one-bed 1 two-bed	1.15 spaces per one-bed 1.5 spaces per two-bed	5 spaces
Total Parking			6 spaces
Section 6.1.5 Reduction			Not necessary
Total Parking Provided			6 spaces
* First 3,000 sf of non-residential space in mixed-use projects is exempt.			

Because the first 3,000 square feet of mixed-use buildings is exempt from the parking requirement (Section 6.1.10.C.), providing six parking spaces is consistent with the requirements of Section 6.1 and a parking reduction under Section 6.1.5 is not necessary. However, the Transportation Demand Management (TDM) Plan is accepted and should be implemented. The TDM Plan includes providing covered bicycle parking and storage, providing an electric charging station, and installing a shower in the office unit. While these items seem appropriate for the proposal, the Applicant should clarify the following: specify if a shower is proposed; identify where the EV charger will be installed; and provide details on how the covered bicycle storage will be provided, including the number of short- and long-term bicycle parking spaces per Section 6.1.12(A).

Providing tandem (stacked) parking is allowed per the bylaw and the parking spaces appear to be sized appropriately. The Applicant should provide additional information on how the six parking spaces will be assigned to limit conflicts among the building tenants.

The vehicle parking spaces and overall site circulation may be constrained. The stacked parking on the side entry aisle appears narrow and the side exit aisle also appears narrow. Compact parking spaces may be recommended and additional safety measures installed onsite to accommodate vehicles and pedestrians on the property.

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 insure 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.

No stormwater controls are present on the site, and the proposal does not trigger the addition of additional controls. However, stormwater from the roof appears to sheet flow off the property and the Applicant could investigate ways to better control and mitigate flow before it reaches the street.

6. EDR-6 Utilities 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 will be no changes to the existing utility service infrastructure as a result of this proposal. The Board can find that 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.

The application materials do not include any information about new signage at the building, nor does the application indicate whether the existing office signage will be removed. Final signage plans will need to be submitted, reviewed, and approved by the ARB and the Historic Districts Commission as this property is located in the Avon Place Historic District.

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.

The application materials do not provide any information about how solid waste and recycling will be screened and maintained. The photos provided with the application materials show totes placed along the building rear. The Applicant should provide either a closed and screened area at the building rear or space within the building for waste and recycling.

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 existing building provides safe and convenient access into and around the property. The Board can find that this condition is 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.

Based on the information presented in the applicant materials, there are no proposed exterior changes to the existing building. If there are any exterior changes proposed, including signage, the Applicant must seek a Certificate of Appropriateness from the Arlington Historic Districts Commission due to being located within the Avon Place Historic District. The Board can find that 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 proposed changes that would affect the microclimate. The Board can find that 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.

A LEED checklist was not provided, but a memo from Lagrasse Yanowitz & Feyl provides an overview of the sustainable building practices that will be incorporated as part of the renovation. The Board can find that this condition is met.

IV. Findings

1. The proposed project is approved under Section 3.4, Environmental Design Review.

V. Conditions

1. The final design and sign plans shall be subject to the approval of the Arlington Redevelopment Board or administratively approved by the Department of Planning and Community Development. 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. Any substantial or material deviation during construction from the approved plans and specifications is subject to the written approval of the Arlington Redevelopment Board.
3. 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.
4. Snow removal from all parts of the site, as well as from any abutting public sidewalks, shall be the responsibility of the owner and shall be accomplished in accordance with Town Bylaws.
5. Trash shall be picked up only on Monday through Friday between the hours of 7:00 am and 6:00 pm. All exterior trash and storage areas on the property, if any, shall be properly screened and maintained in accordance with the Town Bylaws.
6. All utilities serving or traversing the site (including electric, telephone, cable, and other such lines and equipment) shall be underground.

7. Upon the issuance of the building permit the Applicant shall file with the Inspectional Services Department and the Police Department the names and telephone numbers of contact personnel who may be reached 24 hours each day during the construction period.
8. Any final building signage will be reviewed and approved by the Arlington Historic Districts Commission, Department of Planning and Community Development, and Inspectional Services.
9. The Final Transportation Demand Management Plan shall be submitted for review and approval by the Department of Planning and Community Development.

ROBERT J. ANNESE

ATTORNEY AT LAW

December 16, 2020

VIA E-MAIL

Jennifer Raitt, Director
Department of Planning and Community Development
Town of Arlington
730 Massachusetts Avenue
Arlington, MA 02476

RE: 400-402 Massachusetts Avenue

Dear Ms. Raitt:

I am sending along a supplement to the Application for Environmental Review filed in behalf of 400-402 Mass Avenue, LLC, following the ARB Hearing which occurred on December 7, 2020.

During the course of the hearing there was discussion with respect to comments made by Members of the ARB that one of the four (4) residential units proposed by Petitioner be converted to an office unit.

Other comments were made relating to providing a different trash enclosure area as well as moving the interior permanent bicycle storage area which is proposed in a lower level in the building to an upper street level.

Comments were also made with respect to the parking configuration at the site which involves vehicles backing out on to the street with an indication that backing out on to the street was not an approach that was permissible or acceptable.

The architect for the Petitioner, Ken Feyl has drafted modified plans which I am sending to the Board at this time showing five (5) parking spaces instead of six (6) as originally proposed with one (1) of the parking spaces being used for a 6' x 12' covered trash enclosure, an exterior three (3) bicycle rack for short-term bicycle parking as well as an interior permanent bicycle storage area, once again at the lower level as originally proposed by Petitioner.

Jennifer Raitt, Director
Department of Planning and Community Development
Town of Arlington
December 16, 2020
Page 2

I am also submitting a LEED check list with a narrative provided by the Petitioner's architect.

It is important for the Members of the ARB to be aware that the building at 400-402 Massachusetts Avenue has existed for many years and has been occupied by tenants, whether residential or commercial for many years with the occupants of the building of necessity backing out on to the street and using a tandem parking approach in the parking lot at the building.

The building has certainly existed prior to passage of the Amended Zoning Bylaw in 1975 and, in fact, was originally built in 1799.

Petitioner's proposal does not involve exterior changes of any kind to the building with the result that the exterior appearance of the building would not change with regard to Petitioner's proposal.

The building is located on a small lot which contains 4,756 square feet and is unlike many other development properties in the Town where the lots are much larger with the result that modifications to a building could be made on a lot containing much more land area than Petitioner's lot given those owners more land area to work with in redesigning the exterior of a building.

With respect to bicycle parking a current residential tenant carries their bicycle up to the second floor of the building for storage when the bicycle is not in use.

Petitioner's current submittal proposes that the long-term bicycle storage area remain at the lower level because of the difficulty and significant changes which would have to occur within the building to have the bicycle storage area at street level given the size of the lot and the interior configuration of the building.

Carrying a bicycle down to a lower level in the building would certainly be no more difficult and perhaps easier than carrying a bicycle up to the second floor within the building.

Jennifer Raitt, Director
Department of Planning and Community Development
Town of Arlington
December 16, 2020
Page 3

The current plans also show a three (3) bicycle short-term bicycle rack located outside of the building.

The trash enclosure area has been moved from the building into a parking space as mentioned previously so that the trash area is some distance from the building itself.

Petitioner cannot change the parking arrangement at the site with respect to tandem parking and backing out on to the street because of the physical characteristics of the lot and it is important to note that this situation, i.e., tandem parking and backing out on to the street has existed at the property for many years and exists in many areas of East Arlington.

In summary, I would request that the Members of the Board who made comments with regard to not allowing the fourth (4th) residential unit, but rather having that unit become an office unit reassess their position in light of the present and future circumstances relating to how employees and employers are conducting their business affairs since the pandemic began, six (6) months or so ago.

Many employees are now working from home because of the pandemic and in many instances those employees will never go back to a physical building with respect to conducting their work activities.

Indeed, an article appeared in the *New York Times* on December 11, 2020 which discusses the fact that even in Manhattan once the pandemic becomes more under control it is likely that many employees will not go back to their former offices to conduct their work activities but will continue to do so offsite through Zoom approaches.

To quote an individual representing a company which controls 26 million square feet of city office space in the *New York Times*’ article, “Anyone that thinks the way that people used the workplace in the past isn’t going to change post-pandemic is fooling themselves”. See New York Times articles dated December 11, 2020)

Jennifer Raitt, Director
Department of Planning and Community Development
Town of Arlington
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Petitioner has obtained a letter from a real estate brokerage firm that specializes in commercial real estate leasing and investment in the Greater Boston and Southern New Hampshire area i.e., Land and Sea Real Estate, Inc. with the Principal of that firm being Demetrius Spaneas.

He indicates within the substance of that letter dated December 14, 2020 in part as follows:

“Commercial real estate, and office in particular, is going through major changes—and reevaluations—at this time. Office as we know has changed. This is due to the advancement of technology and the relationship between management and their workers. The ability to work remotely has become a major factor and incentive to attracting a strong, dynamic, and tech-savvy workforce. The need for traditional office has diminished greatly over the last few years.”

“We have seen the impact that Coronavirus has had on traditional office space. The pandemic has exacerbated the above trend greatly. Offices are averaging less than 20% occupied, and we don't see this trend changing any time soon, even after the pandemic is but a memory. Companies, both large and small, have realized that they no longer need a physical presence. Work forces that have been remote these past months will, in all likelihood, stay remote. It is both cost efficient for the companies, and logistically easier for many workers. Many office buildings are now begin repurposed, mainly for residential.”

This information is being furnished to the Members of the ARB to show why the Pasciuto Family which owns many properties in the Town, and which has and continues to deal with vacancies in commercial units has filed a Special Permit Request to have four (4) residential units rather than three (3) approved so that they do not wind up with another vacant commercial unit.

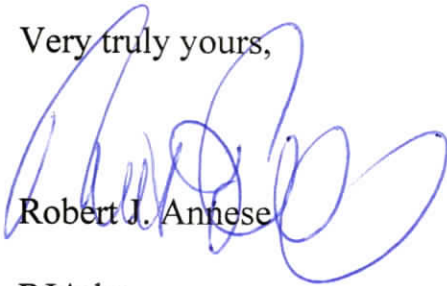
The Pasciuto family is certainly willing to invest money to perform work within the 400-402 Mass Ave building as with their other properties in town but they are not interested in doing so if the space they will be creating will not be economically productive for them given the change in the utilization

Jennifer Raitt, Director
Department of Planning and Community Development
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Page 5

of commercial space which has occurred and will as the above information indicates continue to occur into the future.

Consequently, the Petitioner is requesting that its request for Special Permit be approved, as modified in this supplemental submission.

Very truly yours,



Robert J. Annese

RJA:lm

Enclosures



LEED v4 for BD+C: Core and Shell

Project Checklist

Project Name: 400 Mass Ave Apartments - Arlington, MA

Date: 12/11/2020

Y ? N

			Credit	Integrative Process	1
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0	2	0	Location and Transportation		20
			Credit	LEED for Neighborhood Development Location	20
			Credit	Sensitive Land Protection	2
			Credit	High Priority Site	3
			Credit	Surrounding Density and Diverse Uses	6
	1		Credit	Access to Quality Transit	6
	1		Credit	Bicycle Facilities	1
			Credit	Reduced Parking Footprint	1
			Credit	Green Vehicles	1

0	0	0	Sustainable Sites		11
Y			Prereq	Construction Activity Pollution Prevention	Required
			Credit	Site Assessment	1
			Credit	Site Development - Protect or Restore Habitat	2
			Credit	Open Space	1
			Credit	Rainwater Management	3
			Credit	Heat Island Reduction	2
			Credit	Light Pollution Reduction	1
			Credit	Tenant Design and Construction Guidelines	1

0	1	0	Water Efficiency		11
Y			Prereq	Outdoor Water Use Reduction	Required
Y			Prereq	Indoor Water Use Reduction	Required
Y			Prereq	Building-Level Water Metering	Required
			Credit	Outdoor Water Use Reduction	2
	1		Credit	Indoor Water Use Reduction	6
			Credit	Cooling Tower Water Use	2
			Credit	Water Metering	1

0	0	0	Energy and Atmosphere		33
Y			Prereq	Fundamental Commissioning and Verification	Required
Y			Prereq	Minimum Energy Performance	Required
Y			Prereq	Building-Level Energy Metering	Required
Y			Prereq	Fundamental Refrigerant Management	Required
			Credit	Enhanced Commissioning	6
			Credit	Optimize Energy Performance	18
			Credit	Advanced Energy Metering	1
			Credit	Demand Response	2
			Credit	Renewable Energy Production	3
			Credit	Enhanced Refrigerant Management	1
			Credit	Green Power and Carbon Offsets	2

0	3	0	Materials and Resources		14
Y			Prereq	Storage and Collection of Recyclables	Required
Y			Prereq	Construction and Demolition Waste Management Planning	Required
			Credit	Building Life-Cycle Impact Reduction	6
	1		Credit	Building Product Disclosure and Optimization - Environmental Product Declarations	2
			Credit	Building Product Disclosure and Optimization - Sourcing of Raw Materials	2
	1		Credit	Building Product Disclosure and Optimization - Material Ingredients	2
	1		Credit	Construction and Demolition Waste Management	2

0	2	0	Indoor Environmental Quality		10
Y			Prereq	Minimum Indoor Air Quality Performance	Required
Y			Prereq	Environmental Tobacco Smoke Control	Required
	1		Credit	Enhanced Indoor Air Quality Strategies	2
	1		Credit	Low-Emitting Materials	3
			Credit	Construction Indoor Air Quality Management Plan	1
			Credit	Daylight	3
			Credit	Quality Views	1

0	0	0	Innovation	6
			Credit Innovation	5
			Credit LEED Accredited Professional	1

0	0	0	Regional Priority		4
			Credit	Regional Priority: Specific Credit	1
			Credit	Regional Priority: Specific Credit	1
			Credit	Regional Priority: Specific Credit	1
			Credit	Regional Priority: Specific Credit	1

0	8	0	TOTALS	Possible Points: 110
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Certified: 40 to 49 points, Silver: 50 to 59 points, Gold: 60 to 79 points, Platinum: 80 to 110



400 MASS AVE – LEED CONSIDERATIONS

The improvements at 400-402 Massachusetts Avenue will look to incorporate the items below per 'LEED_v4.1_Residential_BD_C_Multifamily_Homes' to support the sustainable building practices goal in Arlington, MA.

LOW EMITTING MATERIALS

These materials are to be integrated to reduce concentrations of chemical contaminants that can damage air quality, human health, productivity, and the environment. Some of these building materials are as follows:

-Paints and Coatings

At least 75% of all paints and coatings, by volume or surface area, are to meet the VOC emissions evaluation AND 100% meet the VOC content evaluation.

-Adhesives and Sealants

At least 75% of all adhesives and sealants, by volume or surface area, are to meet the VOC emissions evaluation AND 100% meet the VOC content evaluation

-Flooring

At least 90% of all flooring materials (carpet, ceramic, vinyl, rubber, engineered, solid wood, laminates), by cost or surface area, is to meet the VOC emissions evaluation OR inherently non emitting sources criteria, OR salvaged and reused materials criteria.

INDOOR AIR QUALITY

The LEED objective is to establish better quality indoor air in the building after construction and during occupancy. Before each dwelling unit is occupied, air cleaning, a flush-out with a recirculating HEPA Air Filtration Device, and air testing in the unit to Demonstrate that 10 micron particles do not exceed 8 µg/m³ should be performed.

ACCESS TO QUALITY TRANSIT

Functional entry is located within ¼ mile walking distance to existing bus stop.

ENVIRONMENTALLY PREFERABLE PRODUCTS

At least 70% of each new compliant building component (floor covering, insulation, framing/structural systems, drywall, doors cabinets, countertops and/or interior trim), by weight or volume, will aim meet one of the requirements below:

The product contains at least 25% reclaimed material, including salvaged, refurbished, or reused materials. For renovation projects, existing components are considered reclaimed. Wood by-products can be counted as reclaimed material. These include items from secondary manufacturers; felled, diseased, or dead trees from urban or suburban areas; orchard trees that are unproductive and cut for replacement; and wood recovered from landfills or water bodies.

The product contains at least 25% postconsumer or 50% pre consumer content.



Wood products must be Forest Stewardship Council (FSC) Certified, or USGBC-approved equivalent.

Bio-based materials. Bio-based products must meet the Sustainable Agriculture Network's Sustainable Agriculture Standard. Bio-based raw materials must be tested using ASTM Test Method D6866 and be legally harvested, as defined by the exporting and receiving country. Exclude hide products, such as leather and other animal skin material.

Concrete that consists of at least 30% fly ash or slag used as a cement substitute.

Extended producer responsibility. Products purchased from a manufacturer (producer) that participates in an extended producer responsibility program or is directly responsible for extended producer responsibility.

WATER USE REDUCTION

The project will seek to reduce aggregate water consumption by 20% from the baseline for each new fixture (toilets, showerheads, dishwashers, etc.)

MINIMUM ENERGY PERFORMANCE

For new dwelling units, heating and cooling systems will look to meet the following equipment selection sizing guidelines, or next nominal size:

Cooling Equipment:

Single-Speed Compressor: 90-130% of total heat gain

Two-Speed Compressor: 90-140% of total heat gain

Variable-Speed Compressor: 90-160% of total heat gain

Heating Equipment:

100-140% of total heat loss AND energy performance compliance.



December 14, 2020

Arlington Redevelopment Board
730 Massachusetts Ave, Annex
Arlington, MA 02476

To Whom it may concern:

My name is Demetrius Spaneas and I am the President of Land and Sea Real Estate, Inc. We are a boutique brokerage that specializes in commercial real estate leasing and investment in Greater Boston and Southern NH.

I have been asked by one of the large commercial property owners in Arlington, the Pasciuto family, to briefly give my thoughts on the state of office in the Boston suburbs, and office vs residential.

Commercial real estate, and office in particular, is going through major changes—and reevaluations—at this time. Office as we know has changed. This is due to the advancement of technology and the relationship between management and their workers. The ability to work remotely has become a major factor and incentive to attracting a strong, dynamic and tech-savvy workforce. The need for traditional office has diminished greatly over the last few years.

We have seen the impact that Coronavirus has had on traditional office space. The pandemic has exacerbated the above trend greatly. Offices are averaging less than 20% occupied, and we don't see this trend changing any time soon, even after the pandemic is but a memory. Companies, both large and small, have realized that they no longer need a physical presence. Work forces that have been remote these past months will, in all likelihood, stay remote. It is both cost

One Main Street
Suite 306
Andover, MA 01810

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efficient for the companies, and logistically easier for many workers. Many office buildings are now being repurposed, mainly for residential.

The great issue in Massachusetts is the housing crisis. After the housing crash in 2008, there were 40% less builders working nationally, which meant 40% less new housing. The issue in Massachusetts is much worse as the lack of buildable land combined with state regulations has cut the housing inventory down significantly. Before 2008, the average age of the first-time home buyer was 27; now, it is up into the mid-30's. This means that people can't afford housing—the prices have skyrocketed for lack of inventory—and people are renting longer, which is putting major strain on the apartment market. Add this to the fact that the pandemic has interrupted, if not downright cancelled, numerous apartment and housing developments, and the housing crisis escalates. Before the pandemic, there was a projected 2 million unit deficit of housing. I can only imagine what the numbers will look like this next year. The fact that Arlington has a housing waitlist of over 400 should give some indication.

In sum, I believe in my professional opinion that office space in an urban/suburban market such as Arlington would be a wasted (un-needed) opportunity and that residential units would help to alleviate the housing crisis and be of far better service to residents within the local economy.

Please feel free to contact me, at your convenience, for further commentary.

Sincerely yours,

Demetrius Spaneas

President, Land and Sea Real Estate, Inc.



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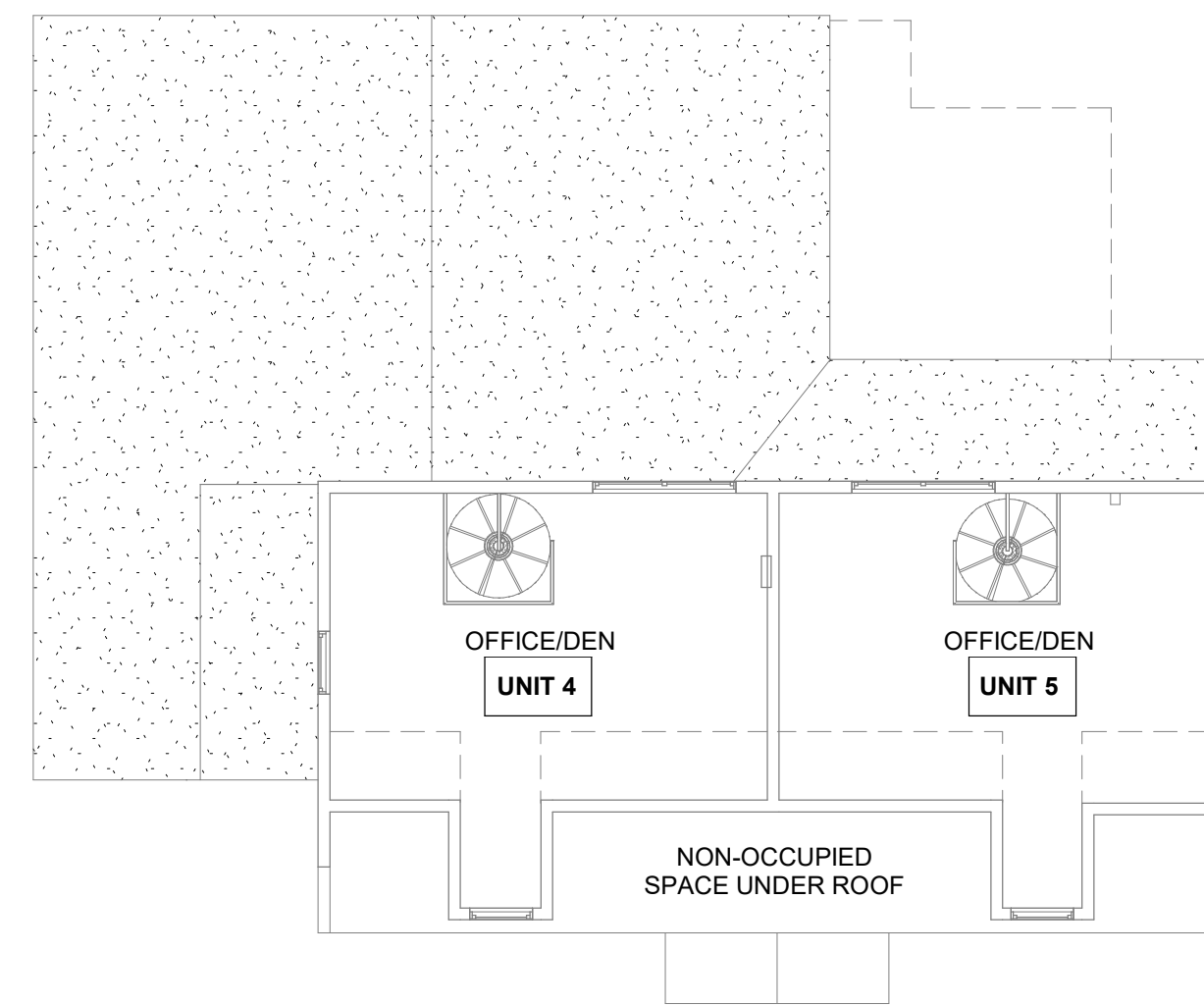
400 MASS AVE ARLINGTON

prepared for: _____
location: _____
Approver: _____

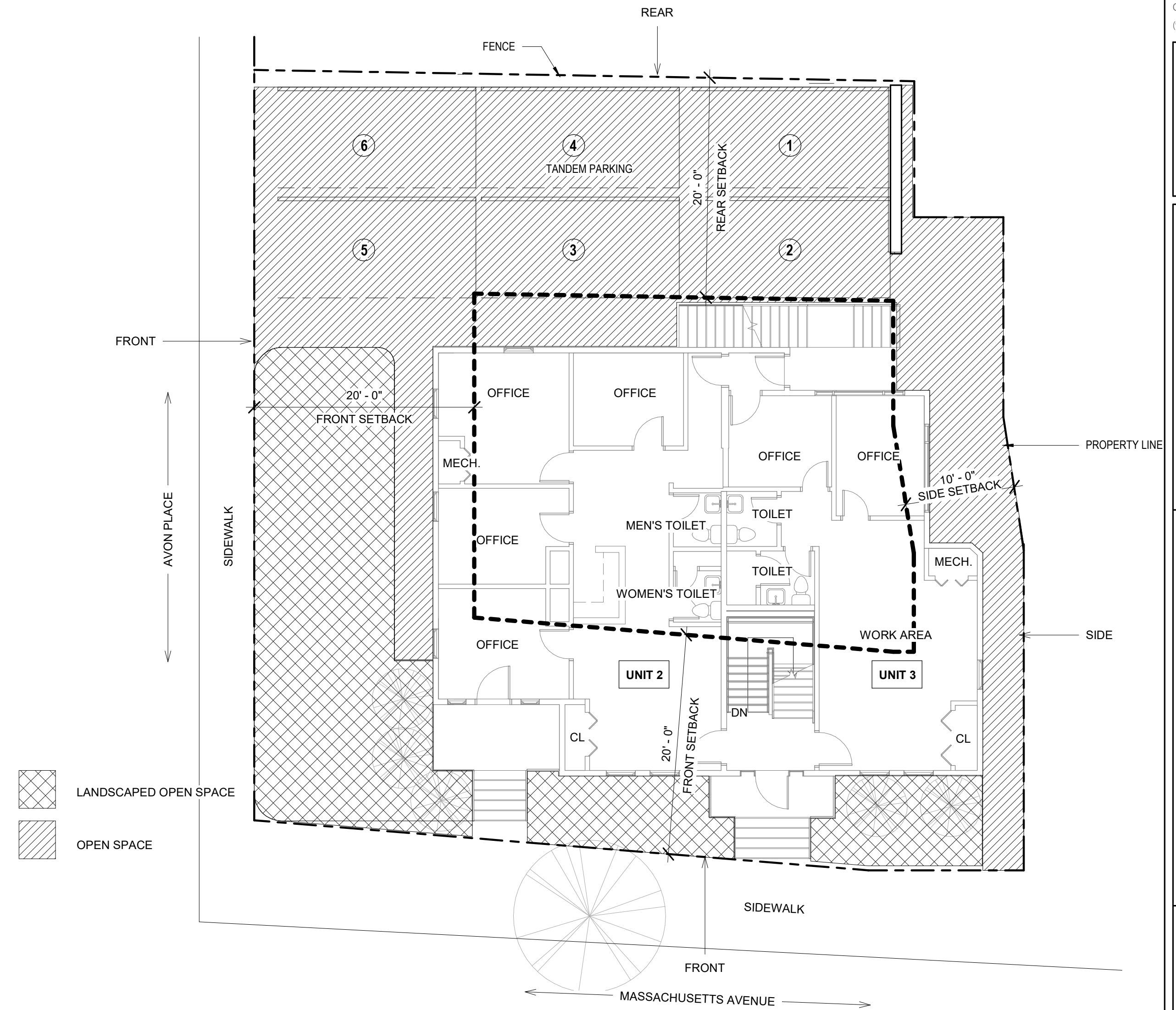
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REVISIONS	
Date	12/11/2020
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Job No.	2876
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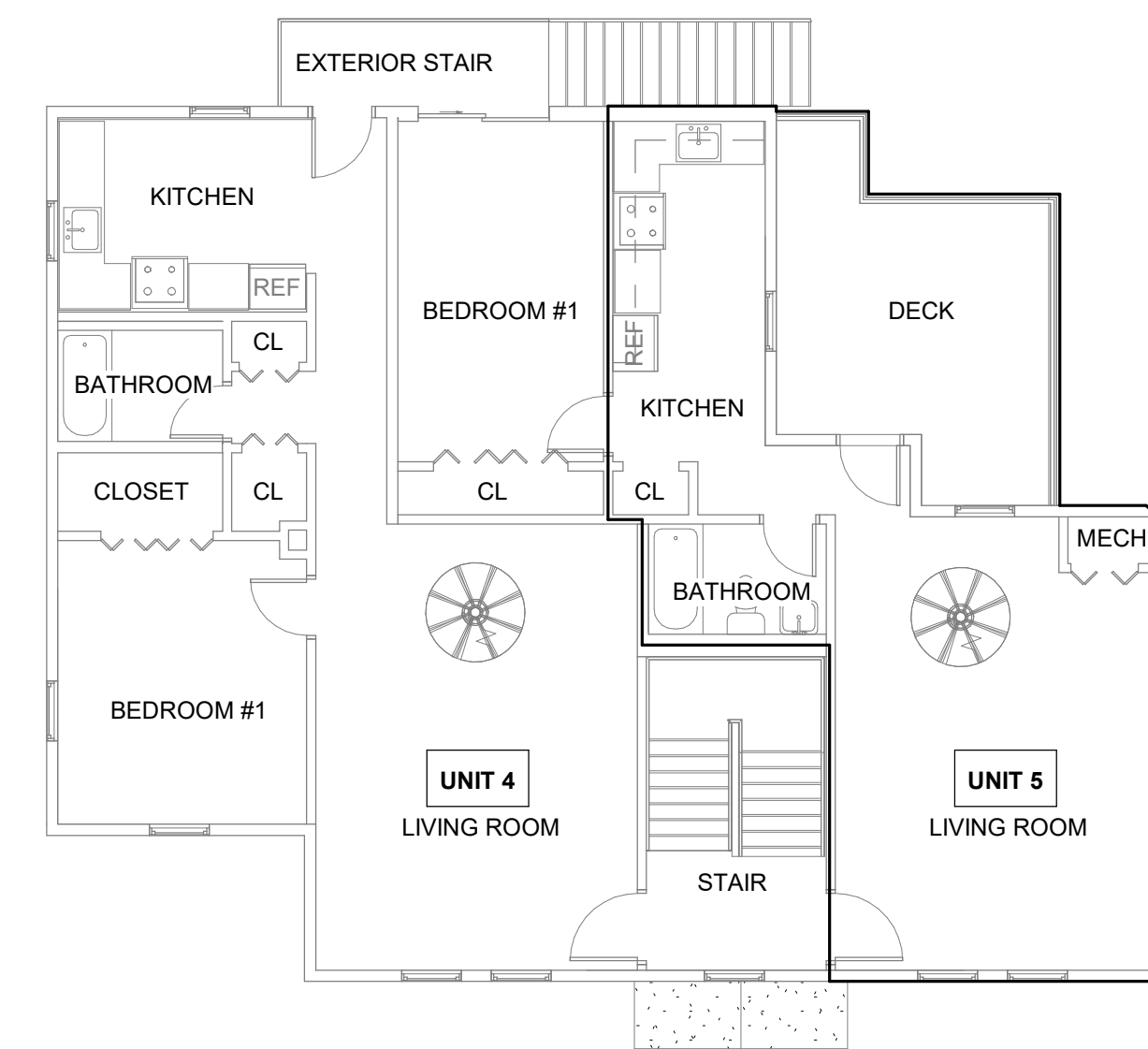
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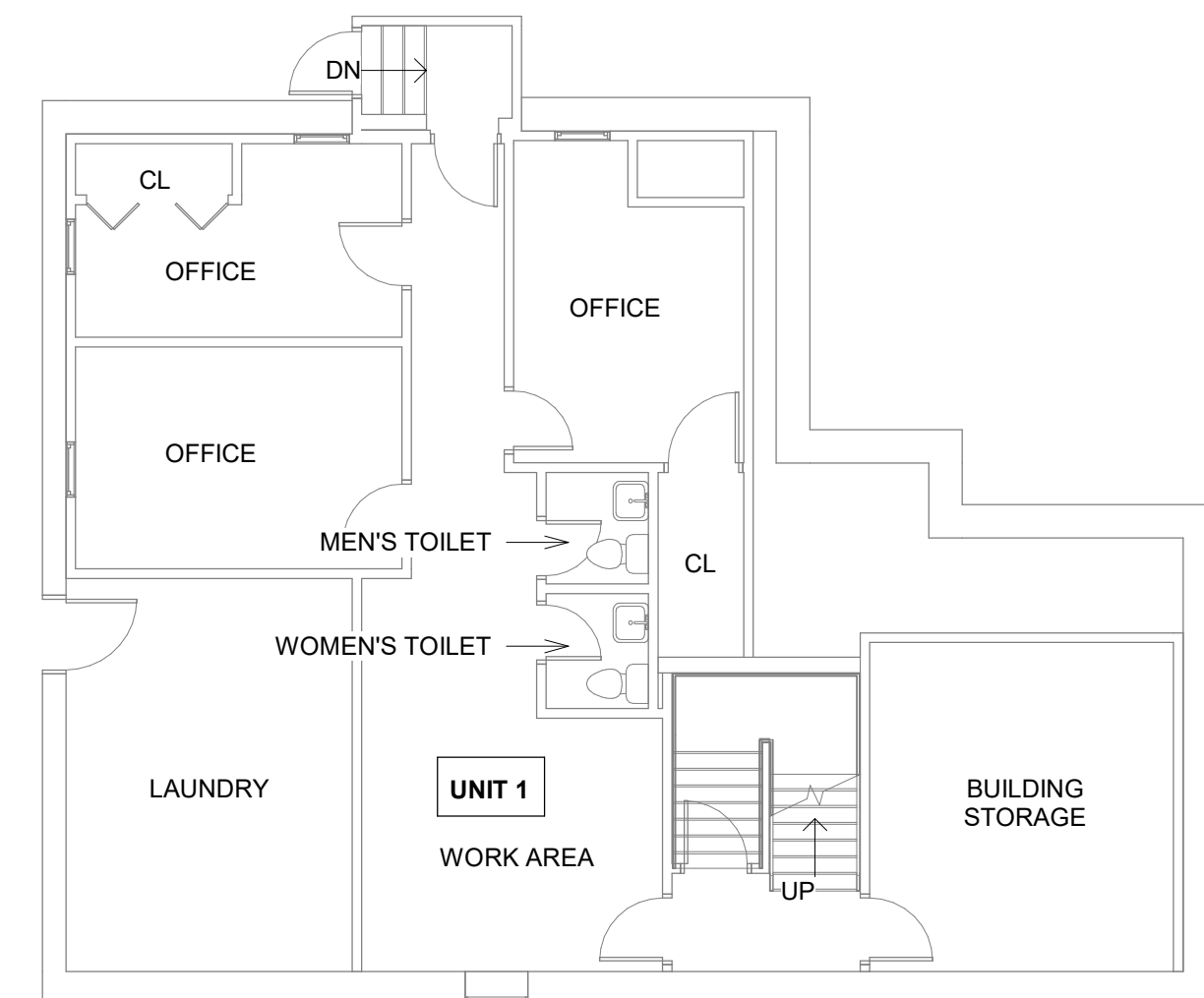
4 THIRD FLOOR PLAN
1/8" = 1'-0"



2. EXISTING FIRST FLOOR PLAN + SITE W/
ZONING INFORMATION
1/8" = 1'-0"



3 SECOND FLOOR PLAN
1/8" = 1'-0"



1 BASEMENT PLAN
1/8" = 1'-0"

SUMMARY USE GROUPS			
FLOOR	UNIT	EXISTING	PROPOSED
BASEMENT	UNIT 1	BUSINESS	RESIDENTIAL 1 BEDROOM
1ST FLOOR	UNIT 2	BUSINESS	RESIDENTIAL 2 BEDROOM
1ST FLOOR	UNIT 3	BUSINESS	BUSINESS (NO CHANGE)
2ND FLOOR	UNIT 4	RESIDENTIAL 1 BEDROOM	RESIDENTIAL 1 BEDROOM (NO CHANGE)
2ND FLOOR	UNIT 5	RESIDENTIAL 1 BEDROOM	RESIDENTIAL 1 BEDROOM (NO CHANGE)
		2 BEDROOMS	5 BEDROOMS

Stamp:

400 MASS AVE ARLINGTON

PROPOSED FLOOR PLANS

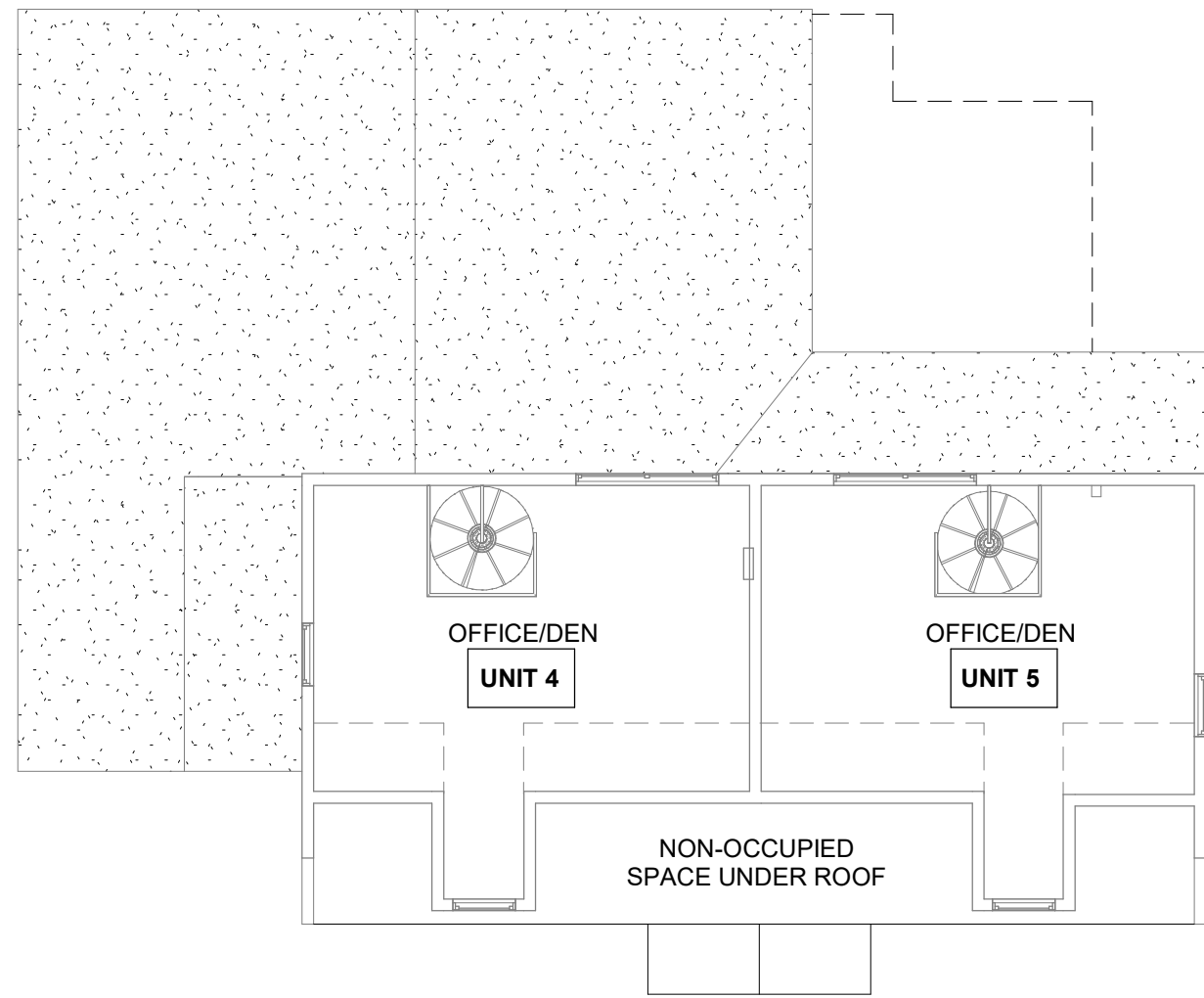
prepared for: location: Approver

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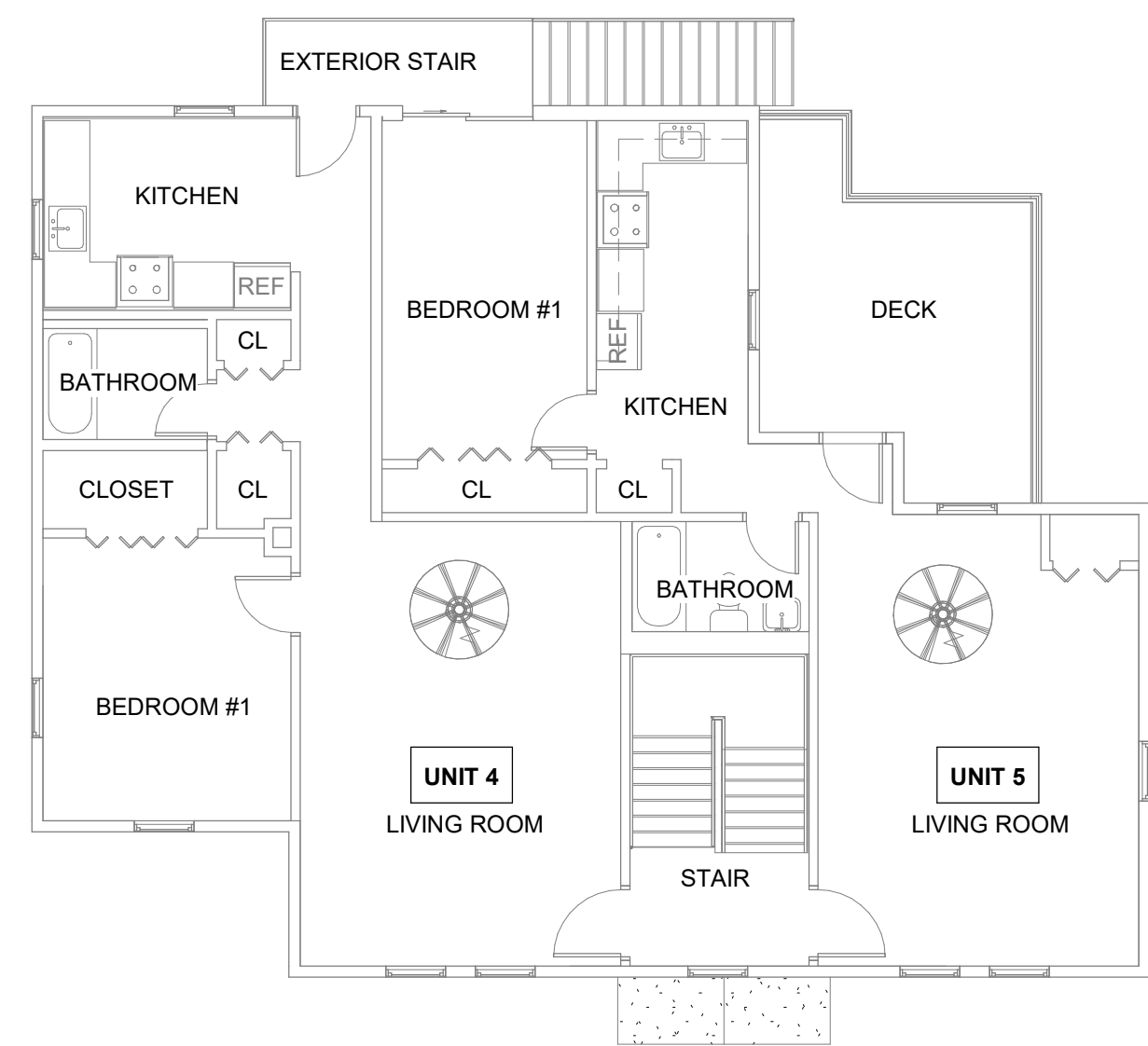
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Date:	12/11/2020
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Job No:	2876
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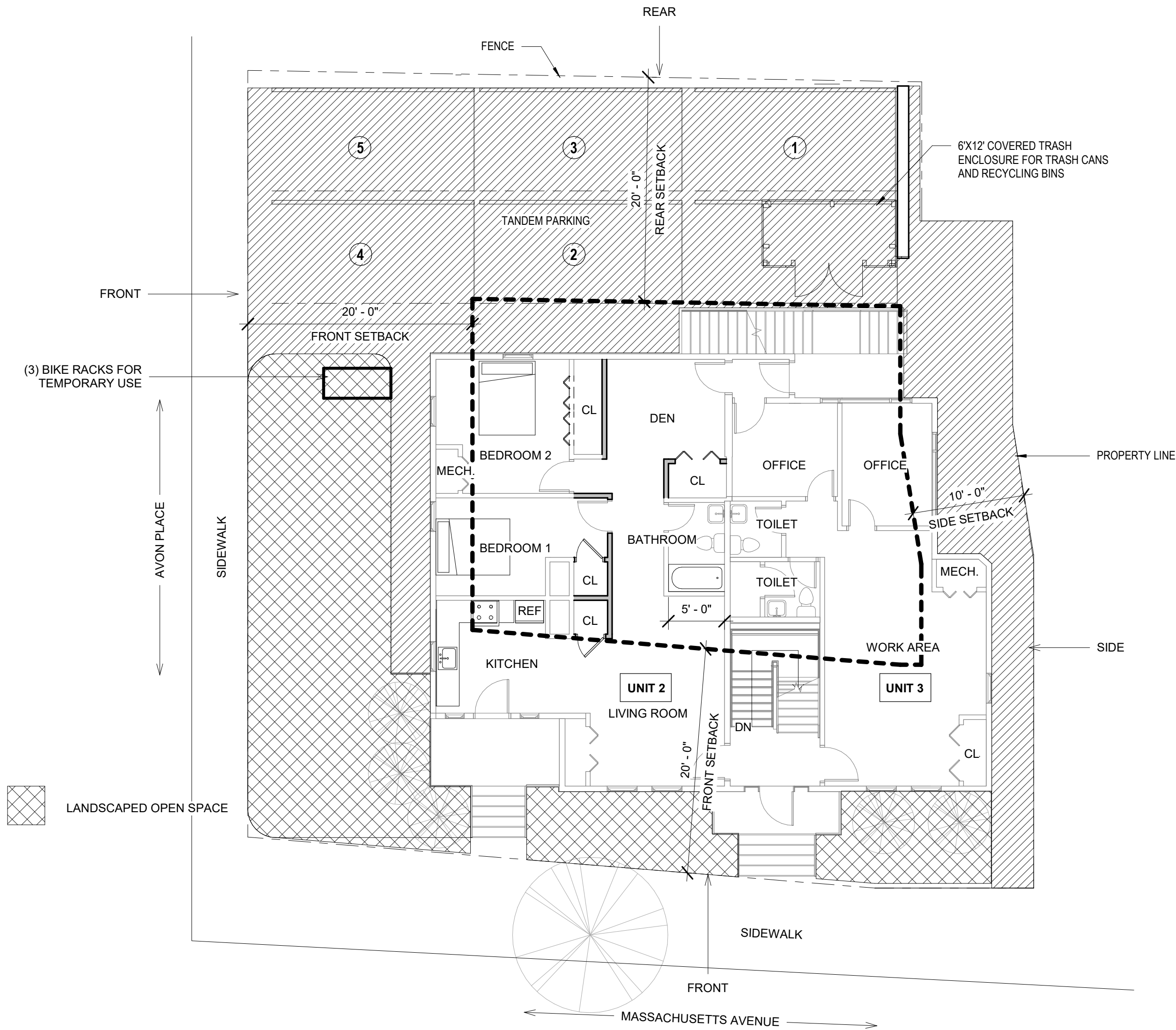
4 THIRD FLOOR PLAN (NO CHANGES)
1/8" = 1'-0"



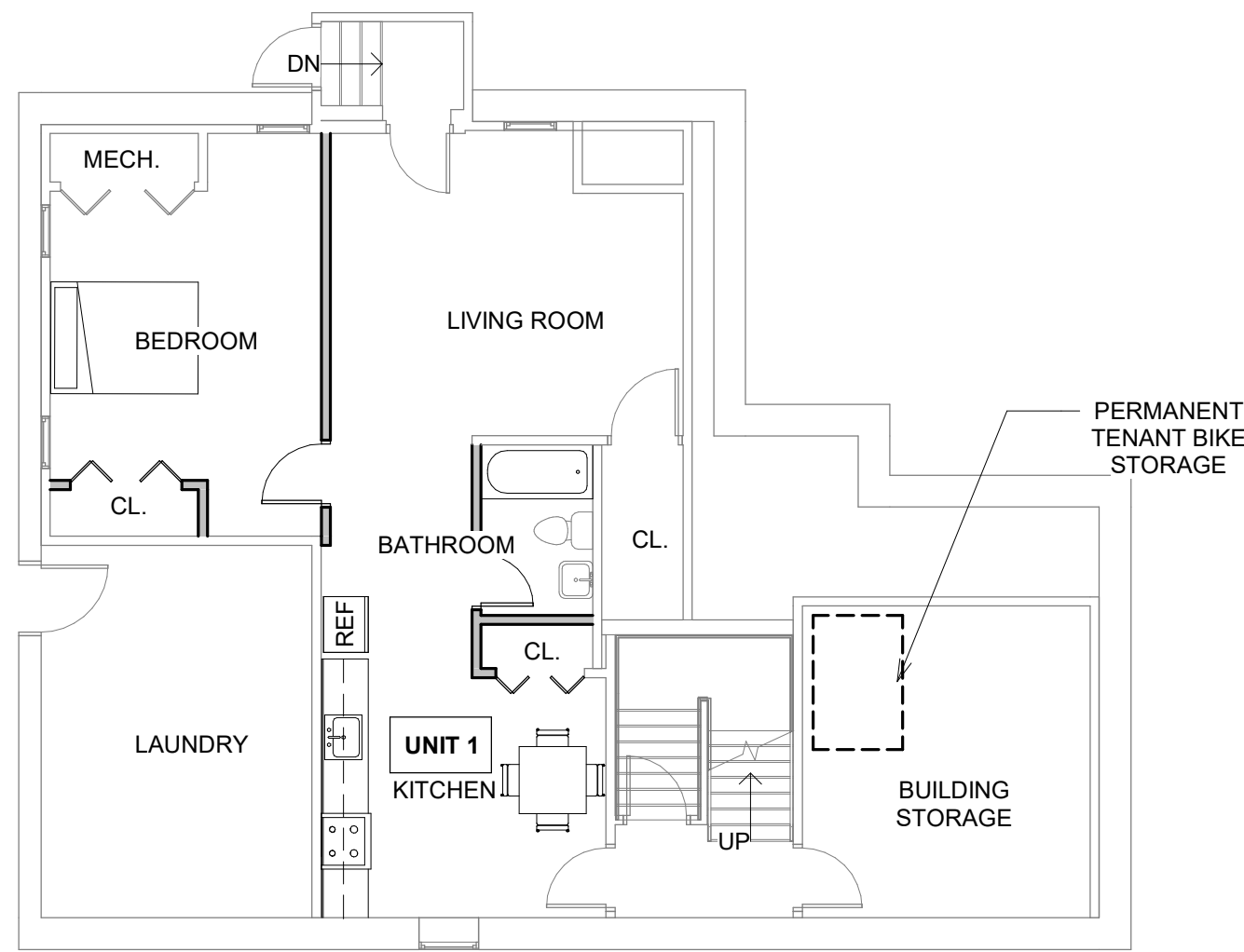
3 SECOND FLOOR PLAN (NO CHANGES)
1/8" = 1'-0"



2 PROPOSED FIRST FLOOR PLAN + SITE
W/ZONING INFORMATION
1/8" = 1'-0"



1 BASEMENT PLAN -PROPOSED
1/8" = 1'-0"



In California, countless redwoods, giant sequoias and Joshua trees have perished in wildfires this year. The blackened wreckage sends a clear message: These trees are in the fight of their lives.



They Are Among the World's Oldest Living Things. The Climate Crisis Is Killing Them.

By JOHN BRANCH | Photographs by MAX WHITTAKER | Page A21

Left Is Pushing Biden to Slash Student Debts

This article is by Erica L. Green, like Broadwater and Stacy Cowley.

WASHINGTON — President-elect Joseph R. Biden Jr. is facing pressure from congressional Democrats to cancel student loan debt on a vast scale, quickly and by executive action, a campaign that will be one of the first tests of his relationship with the liberal wing of his party.

Mr. Biden has endorsed canceling \$10,000 in federal student debt per borrower through legislation, and insisted that chipping away at the \$1.7 trillion in loan debt held by more than 43 million borrowers is integral to his economic plan. But Democratic leaders, backed by the party's left flank, are pressing for up to \$50,000 of debt relief per borrower, executed on Day 1 of his presidency.

More than 200 organizations — including the American Federation of Teachers, the N.A.A.C.P. and others that were integral to his campaign — have joined the push.

The Education Department is effectively the country's largest consumer bank and the primary lender, since 2010, for higher education. It owns student loans totaling \$1.4 trillion, so forgiveness of some of that debt would be a rapid injection of cash into the pockets of many people suffering from the economic effects of the pandemic.

"There are a lot of people who came out to vote in this election who frankly did it as their last shot at seeing whether the government can really work for them," said Representative Pramila Jayapal, Democrat of Washington and the chairwoman of the Congressional Progressive Caucus. "If we don't deliver quick relief, it's going to be very difficult to get

Continued on Page A19

Two More Biden Picks

The president-elect chose Su-

Record U.S. Deaths Create a Wave of Devastation

This article is by Sarah Mervosh, Giulio McDonnell Nieto del Rio and Neil MacFarquhar.

DALLAS — Lillian Blancas was a fighter, a proud daughter of immigrants, part of the first generation in her family to attend college and a lawyer in El Paso who was on the brink of fulfilling her dream of becoming a judge.

Instead, Ms. Blancas, 47, died alone in her hospital room this week, just before a runoff election on Saturday in which she was the favorite, becoming part of a grim cascade of Americans who have died from the coronavirus as it rages out of control. More than 3,000 deaths were reported on Wednesday for the first time since the pandemic began.

"We're completely devastated. Heartbroken. We can't find a reason," said her sister, Gabriela Tie-

Daily Toll Tops 3,000, but Experts Warn Worst Is to Come

mann, who recalled staring through the glass doors of Ms. Blancas's hospital room, wishing that she could stroke her hair one last time.

The new daily death record — 3,055 individuals who blew out birthday candles, made mistakes, laughed and cried before succumbing to the virus — far surpassed the spring peak of 2,752 deaths on April 15 and amounted to a stunning embodiment of the pandemic's toll. In a single day, the country, numbed and divided, lost more Americans to the coronavirus than were killed in the Sept. 11

terror attacks or the attack on Pearl Harbor.

Catherine Troisi, an infectious-disease epidemiologist at the UTHealth School of Public Health in Houston, said she had cried watching the faces of coronavirus victims on "PBS NewsHour" and expected the death toll to accelerate, in part because current numbers likely do not reflect infections from Thanksgiving gatherings.

"The worst is yet to come in the next week or two or three," she said. "What happens after that is going to depend on our behavior today."

The most recent deaths come as the country is recording more new cases and hospitalizations than ever before. More than 290,000 people have died in the United States during the pandemic.

With a current average of more than 2,200 deaths per day, Continued on Page A8



ADAM ALTMAN/AGENCE FRANCE PRESSE — GETTY IMAGES

PFIZER'S VACCINE CLEARS A BIG STEP TOWARD APPROVAL

F.D.A. Authorization Is Expected Soon,
as Caseloads Continue to Soar

This article is by Katie Thomas, Noah Welland and Sharon LaFraniere.

Pfizer's Covid-19 vaccine passed a critical milestone on Thursday when a panel of experts formally recommended that the Food and Drug Administration authorize the vaccine. The agency is likely to do so within days, giving health care workers and nursing home residents first priority to begin receiving the first shots early next week.

The F.D.A.'s vaccine advisory panel, composed of independent scientific experts, infectious disease doctors and statisticians, voted 17 to 4, with one member abstaining, in favor of emergency authorization for people 16 and older. With rare exceptions, the F.D.A. follows the advice of its advisory panels.

With this formal blessing, the nation may finally begin to slow the spread of the virus just as infections and deaths surge, reaching a record of more than 3,000 daily deaths on Wednesday. The F.D.A. is expected to grant an emergency use authorization on Saturday, according to people familiar with the agency's planning, though they cautioned that last-minute legal or bureaucratic re-

quirements could push the announcement to Sunday or later.

The initial shipment of 6.4 million doses will leave warehouses within 24 hours of being cleared by the F.D.A., according to federal officials. About half of those doses will be sent across the country, and the other half will be reserved for the initial recipients to receive their second dose about three weeks later.

The arrival of the first vaccines is the beginning of a complex, monthlong distribution plan coordinated by federal and local health authorities, as well as large hospitals and pharmacy chains, that if successful, will help return a grieving and economically depressed country back to some semblance of normal, maybe by summer.

"With the high efficacy and good safety profile shown for our vaccine, and the pandemic essentially out of control, vaccine introduction is an urgent need," Kathrin Jansen, a senior vice president and the head of vaccine research and development at Pfizer, said at the meeting.

The vote caps a whirlwind year for Pfizer and its German partner

Continued on Page A8

As Oil Demand Declines, Exxon Is at Crossroads

By CLIFFORD KRAUSS

HOUSTON — Over the last 135 years, Exxon Mobil has survived hostile governments, ill-fated investments and the catastrophic Exxon Valdez oil spill. Through it all, the oil company made bundles of money.

But suddenly Exxon is slipping badly, its long latent vulnerabilities exposed by the coronavirus pandemic and technological shifts that promise to transform the energy world because of growing concerns about climate change.

The company, for decades one of the most profitable and valuable American businesses, lost \$2.4 billion in the first nine months of the year, and its share price is down about 35 percent this year. In August, Exxon was tossed out of the Dow Jones industrial average, replaced by Salesforce, a software company. The change symbolized the passing of the baton from Big Oil to an increasingly dominant technology industry.

"Is Exxon a survivor?" asked Jennifer Rowland, an energy analyst at Edward Jones. "Of course they are, with great global assets, great people, great technical know-how. But the question really is, can they thrive? There is a lot of skepticism about that right now."

Exxon is under growing pressure from investors. D.E. Shaw, a longtime shareholder that recently increased its stake in Exxon, is demanding that the company cut costs and improve its environmental record, according to a person briefed on the matter. Another activist investor, Engine No. 1, is pushing for similar changes in an effort backed by the California State Teachers Retirement System and the Church of England. And on Wednesday, the New York State comptroller, Thomas P. DiNapoli, said the state's \$226 billion pension fund would sell shares in oil and gas companies that did not move fast enough to reduce emissions.

Of course, every oil company is struggling with the collapse in en-



CARLY JONES FOR THE NEW YORK TIMES
A shuttered business in Midtown, where offices lay vacant.

Hard Questions For a Midtown Left Withering

By MATTHEW HAAG
and DANA RUBINSTEIN

The pandemic is pummeling New York City's commercial real estate industry, one of its main economic engines, threatening the future of the nation's largest business districts as well as the city's finances.

The damage caused by the emptying of office towers and the permanent closure of many stores is far more significant than many experts had predicted early in the crisis.

The powerful real estate industry is so concerned that the shifts in workplace culture caused by the outbreak will become long-lasting that it is promoting a striking proposal: to turn more than one million square feet of Manhattan office space into housing.

Nearly 14 percent of office space in Midtown Manhattan is vacant, the highest rate since 2009. On Madison Avenue in Midtown, one of the most affluent retail stretches in the country, more than a third of all storefronts are empty, double the rate from five years ago.

The collapse of commercial real estate is another major burden for New York, since the industry provides a significant portion of the city's tax revenues.

Filings to erect new buildings in the city, a key indicator of industry

Tracking an Outbreak New York City

A DISTRICT TRANSFORMED

A Midtown Left Reeling Considers Converting Offices Into Apartments

From Page A1

confidence, have dropped 22 percent this year to 1,187, the lowest number since 2010.

As of late October, only 10 percent of Manhattan's one million office workers were reporting to the office, according to a survey by the Partnership for New York City, an influential business group.

And this already bleak picture could even get worse, real estate experts and industry executives said.

"It would probably be fair to say we haven't hit bottom yet," said James Whelan, president of the Real Estate Board of New York.

It does not appear that the major commercial landlords in the city are facing financial collapse, but the stocks of the ones that are publicly traded are down sharply since March.

The fallout from the crisis can be seen in a rising tide of litigation between landlords and tenants, even at some of New York's most gilded addresses.

At the Shops at Columbus Circle, a luxury mall overlooking Central Park, the developer has accused a group of high-end retailers, including Michael Kors and Hugo Boss, of skipping out on more than \$7 million in rent and fees. On Fifth Avenue, the Italian designer Valentino has sued its landlord to free itself from a lease of nearly \$1.6 million per month.

New York City's finances — money to pick up trash, repair parks and police streets — rely on the health of the industry.

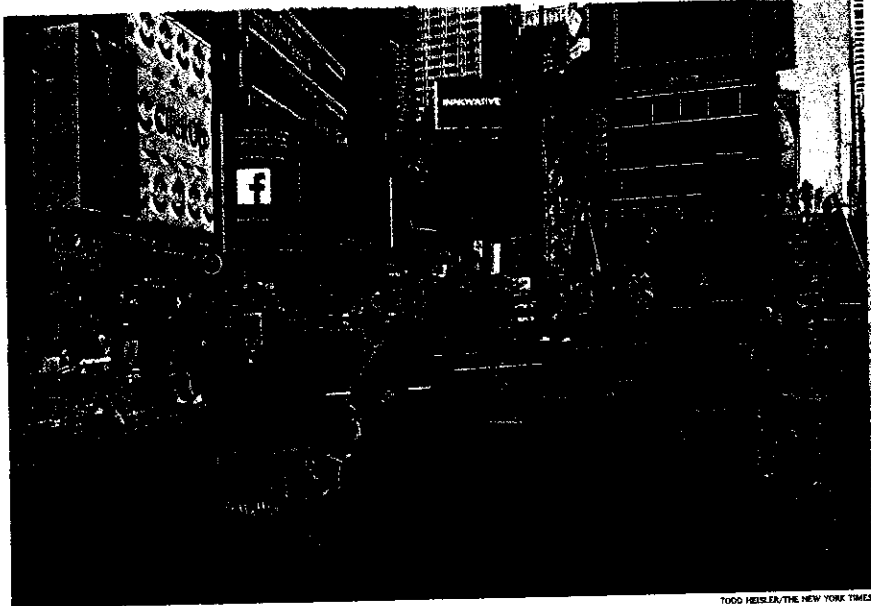
Property taxes represent the largest source of city revenue, and commercial property accounts for the largest share of that overall levy, 41 percent, according to Thomas P. DiNapoli, the state comptroller.

Commercial property sales have plummeted by nearly 50 percent through October, according to Rahul Jain, a deputy state comptroller.

A weakened commercial real estate market will make it "much harder for businesses and the economy to get back to normal," Mr. DiNapoli said.

The lack of workers is having a ripple effect on rents. Across Manhattan's retail corridors, asking commercial rents have dropped nearly 13 percent from last year, according to CBRE, a commercial real estate firm. The steepest declines are in areas dominated by office buildings, including Times Square and Grand Central Terminal, and shopping destinations like SoHo.

The industry's troubles, initially sparked by the exodus of office workers during the state's stay-at-home orders in the spring, have persisted as many commuters



Just 10 percent of Manhattan's one million office workers are reporting to the office. Rents in Times Square have declined steeply.

have settled into long-term or permanent remote-work arrangements. Tourists have also largely disappeared.

As a result, tensions are growing between the city's powerful landlords and some of their equally powerful tenants. Property owners have accused blue-chip companies of using the pandemic to withhold rent they can afford, while tenants have portrayed landlords as greedy and unwilling to acknowledge economic reality.

"It's not easy, but we need to make sacrifices, and landlords need to make sacrifices," said Lawrence Berger, chairman of Fanzlids Holdings, which owns Lids, an athletic headwear store whose flagship shop is in Times Square.

The shop has been sued over more than \$511,000 in unpaid rent and charges at four other Manhattan stores that were closed for months at a time.

"The amazing thing to us is that in New York, they're going after rent for times when we weren't allowed to be open," Mr. Berger said. "We have worked out deals with our landlords across the country except in New York City."

Landlords like Related, which owns the Shops at Columbus Circle and has sued five of its tenants

say, they have their own financial obligations and tenants that can afford rent should pay.

The litigation does not capture the behind-the-scenes, high-stakes negotiations that have led to resolutions without resorting to court, said William H. Mack, a commercial lawyer at the firm Davidoff Hatcher & Citron in New York.

Mr. Mack has been hired by Hugo Boss in its effort to reduce or void its lease at Columbus Circle. "This is 80 to 90 percent of what I've been doing since March and April," he said.

At the Real Estate Board of New York, whose members include nearly every major landlord and developer in New York, the prospect of systemic changes in work habits looms large.

"Anyone that thinks the way that people used to work in the past isn't going to change post-pandemic is fooling themselves," said Scott Rechler, chair of the Regional Plan Association and the chief executive of RXR Realty, which controls 26 million square feet of city office space.

Employers have discovered that productivity does not necessarily suffer in the absence of shared work space and that smaller office footprints and more lenient work-from-home policies

might make lasting economic sense.

As a result, the landlord group is proposing that the city and state allow developers to more easily convert Manhattan and borough offices into residences.

Roughly 140 million of Manhattan's 400 million square feet of office space is considered to be of average quality or is in older and less luxurious buildings, according to Cushman and Wakefield, a real estate brokerage. The real estate board puts the citywide supply of those buildings at roughly 210 million square feet.

The real estate group estimates that converting even just 10 percent of that office space to residential would create 14,000 apartments citywide, including as many as 10,000 in Manhattan — a significant amount in a city routinely short of enough housing, especially affordable homes.

Changes to zoning rules needed for any conversions would require that some portion of new housing be set aside as affordable, the board said.

Mark A. Willis, a senior policy fellow at New York University's Furman Center for Real Estate and Urban Policy, said that before the pandemic, job growth was outpacing housing growth in the city, causing demand to far outstrip

supply and exacerbating the city's persistent housing shortage.

"Facilitating the reuse of buildings to adapt to changes in the economy is, to me, a very smart idea," Mr. Willis said.

Some tenants are using the current downturn — and the resulting lower prices per square foot — to trade up for nicer office space, the board said. That is a boon for higher-end office landlords, but could bode ill for landlords of lower-rated buildings.

Converting office buildings to homes would not only provide a potential financial lifeline to landlords, but would also benefit retailers, the real estate board argues, because the presence of office users during the day and apartment dwellers at night would increase foot traffic.

There is no reason, they argue, for Midtown to retain its status as New York's last predominantly office district, bustling during the day but quieter at night.

They cite the success of Lower Manhattan, which in recent decades has turned from an almost exclusively office district into a vibrant residential neighborhood.

The proposal would require changes to zoning and density rules that would have to be approved by the City Council and the State Legislature and embraced

by the mayor and governor.

Gov. Andrew M. Cuomo's office would say only that he would review the idea.

A spokesman for Mayor Bill de Blasio, who is term-limited and about to begin his last year in office, welcomed the housing proposal.

"City Hall is always looking for sensible, equitable ways to deliver more housing," said the spokesman, Bill Neidhardt.

Still, converting office space to apartments is not easy. Landlords would still need to wait for buildings to empty, which can take years.

The landlord group says the city and state should help expedite conversions by lifting zoning restrictions that require manufacturing in areas like the garment district, changing density requirements that bar apartments and creating new tax breaks for landlords.

Whether city and state elected officials will green-light a measure that would help real estate developers when so many tenants are struggling is an open question.

Several candidates vying to succeed Mr. de Blasio have vowed to refuse campaign donations from real estate developers.

Nor is it clear how many landlords would actually take advantage of the proposed changes.

Jeff Gural, who controls a large portfolio of aging buildings in Manhattan, said he would rather remain in his current line of work.

"We don't have that much vacant space to begin with," Mr. Gural said. "And I believe there will be a demand for the kind of space that we have."

Another possible source for expanding housing would be to convert hotels, many of which have closed as the industry has been decimated by a plunge in tourism and business travel.

That idea is gaining traction among some developers and affordable housing advocates. One group that is trying to shape the 2021 mayoral debate, United for Housing, will argue in an upcoming report that the next mayor should prioritize converting hotels into permanent supportive and affordable housing.

As for the real estate board's proposal, some housing advocates say the pandemic is an opportunity to get creative about easing the city's housing crisis.

"We need a comprehensive plan for how to bring on new housing resources, and the idea of converting office buildings to residential I think has a lot of upside," said Brenda Rosen, the president and chief executive of Breaking Ground, which describes itself as the state's largest provider of supportive housing.

INCREASING ROBBERIES

City Lifeline Comes Under Threat As Crime Sweeps Through Bodegas

By EDGAR SANDOVAL

It was shortly after 6 o'clock one night in late October when Hardik Parekh, the manager of a corner store in Queens, saw a man he recognized as a chronic shoplifter walk in. Not again, he thought.

Mr. Parekh shared a glance with a co-worker, Mohamediyar Tarwala, 26, who quickly moved to escort the man out the door. The mundane moment then took a terrifying turn. The man pulled out a firearm and fatally shot Mr. Tarwala, Mr. Parekh said.

"Later, after the pandemic, I don't know why, but we had people come in and threatening us," Mr. Parekh said, standing near the spot where his friend collapsed. "I never thought it would end up in

ple have been killed in or just outside the stores, according to the data.

The surge comes as a second wave of the virus hits the city and a steep rise in gun violence that plagued New Yorkers over the summer shows no signs of slowing down. Shootings have doubled this year over last, and murders are up nearly 40 percent.

Fernando Mateo, one of the founders of the United Bodegas of America, an organization that represents about 20,000 bodegas in New York, said the pandemic had provided cover for a small number of criminals to target neigh-

cameras captured the gruesome scene as the gang members stabbed him to death.

Since then, a handful of bodega owners have added safety measures, such as panic buttons, brighter lights and special locks. But Mr. Mateo said the majority of bodega operators cannot afford the added security, which can cost thousands of dollars.

Until recently, Mr. Parekh was one of them. He said he finally invested in a panic button and is adding bright lights at his store, Crossbay Express.

For months he said he looked the other way when he noticed people sneaking out of his shop without paying for items like ice cream, beer or canned goods, be-



Spinelli. "It can quickly escalate. Our advice is to call 911 instead."

On a chilly day in mid-November, the officers made their round in the 44th Precinct, where bodegas, some adorned with colorful street murals, could be seen on a most every street block. The first stop was at a Pioneer Supermarket, a larger than average corner store, where the owner, De Morel, 55, welcomed them with a smile.

Mr. Morel told the officers man he recognized as a regular customer had walked out of the store a recent day without paying for sausages. A store manager had not stopped the man, but I stead gave a surveillance video the police, he said.

"I don't let nothing slide," Mr. Morel said. "You steal at my store I want you arrested."

Rita Clark, a longtime customer she relied on the store for necessities throughout the pandemic. "This young lady is he 24/7," Mr. Morel said, gesturing Ms. Clark with a giggle. "A customers are like my family."

ROBERT J. ANNESE

ATTORNEY AT LAW

November 4, 2020

VIA FEDEX

Jennifer Raitt, Director
Department of Planning and Community Development
Town of Arlington
730 Massachusetts Avenue
Arlington, MA 02476

RE: 400-402 Massachusetts Avenue

Dear Ms. Raitt:

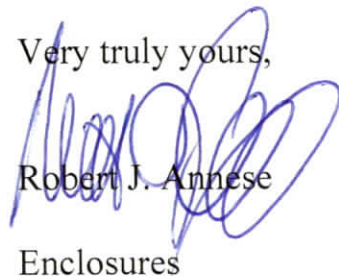
I am sending along an Application for Environmental Review filed in behalf of 400-402 Mas Avenue, LLC, the owner of real estate located at 400-402 Massachusetts Avenue, Arlington.

The Application is being filed in connection with the mixed-use bylaw as the Applicant is proposing to convert an existing building containing two residential dwelling units and three business units into a building containing four residential dwelling units and one business unit.

This Application is being filed both digitally and I am sending three (3) hard copies to your office by FedEx as well.

Would you please let me know the date the Application will be heard by the ARB.

Thank you for your cooperation.

Very truly yours,

Robert J. Annese
Enclosures

TOWN OF ARLINGTON
REDEVELOPMENT BOARD

Application for Special Permit In Accordance with Environmental Design
Review Procedures (Section 3.4 of the Zoning Bylaw)

Docket No. _____

1. Property Address: 400-402 Mass Ave
Name of Record Owner(s): 400-402 Mass Avenue, LLC Phone: 781-646-4911
Address of Owner: 455 Mass Ave, Suite #1, Arlington, MA 02474
Street City, State, ZIP
2. Name of Applicant(s) (if different than above): SAME
Address: _____ Phone: _____
Status Relative to Property (occupant, purchaser, etc.): _____
3. Location of Property: MAP 101.0 BLOCK 0002 LOT 0003.A
Assessor's Block Plan, Block, Lot No.
4. Deed recorded in the Middlesex South District Registry of Deeds, Book 70704, Page 49; or- registered in Land Registration Office, Cert. No _____, Book _____, Page _____
5. Present Use of Property (include # of dwelling units, if any): (2) Residential dwelling units, (3) business units
6. Proposed Use of Property (include # of dwelling units, if any): (4) Residential dwelling units, (1) business unit
7.

Permit applied for in accordance with the following Zoning Bylaw section(s):	<u>Section 6.1.5(c)</u> <u>Section 4.4</u> <u>Section 5.3.16</u>	<u>Transportation demand management relief</u> <u>Environmental Design Review</u> <u>Yards or setbacks for lots adjoining a street or public open space</u> <u>As well as the mixed-use zoning bylaw amendment</u>
------------------------------------------------------------------------------	------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------
8. Please attach a statement that describes your project and provide any additional information that may aid the ARB in understanding the permits you request. Include any reasons that you feel you should be granted the requested permission.

See attached Statement incorporated by reference into the terms of this Application.

(In the statement below, strike out the words that do not apply)

The applicant states that 400-402 Mass Avenue, LLC is the OWNER of the property in Arlington located at 400-402 Mass Ave, Arlington, MA which is the subject of this application; and that unfavorable action -or- no unfavorable action has been taken by the Zoning Board of Appeals on a similar application regarding this property within the last two years. The applicant expressly agrees to comply with any and all conditions and qualifications imposed upon this permission, either by the Zoning Bylaw or by the Redevelopment Board, should the permit be granted.


Signature of Applicant(s)

c/o Robert J. Annese, 1171 Mass Ave., Arlington, MA 02476
Address

781-646-4911
Phone

Town of Arlington Redevelopment Board
Application for Special Permit in accordance with
Environmental Design Review (Section 3.4)

Required Submittals Checklist

File each in triplicate except for model

References are to Arlington Zoning Bylaw

- √ Dimensional and Parking Information Form
- √ Site plan of proposal
- Model, if required
- √ Drawing of existing conditions
- √ Drawing of proposed structure
- Proposed landscaping. May be incorporated into site plan
- Photographs
- √ Impact statement
- √ Application and plans for sign permits
- Stormwater management plan (for stormwater management during construction for projects with new construction)

FOR OFFICE USE ONLY

_____ Special Permit Granted	Date: _____
_____ Received evidence of filing with Registry of Deeds	Date: _____
_____ Notified Building Inspector of Special Permit filing	Date: _____

TOWN OF ARLINGTON
REDEVELOPMENT BOARD

Petition for Special Permit under Environmental Design Review (see Section 3.4 of the Arlington Zoning Bylaw for Applicability)

For projects subject to Environmental Design Review, (see section 3.4), please submit a statement that completely describes your proposal, and addresses each of the following standards.

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.

The landscaped open space which is presently 864 square feet +/- will remain at 864 square feet +/- while zoning would require 555 square feet +/-.

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

The exterior physical characteristics of the building will no change as all of the changes will be interior changes to the building.

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 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.

The useable open space which 0 will remain at 0 with respect to Petitioner's proposed interior plans to the building.

4. **Circulation.** With respect to vehicular, 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 8.13 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.

Traffic circulation will remain unchanged with one way traffic in and out to the parking spaces located to the rear of the building.

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 storm water treatment by means of swales, filters, plantings, roof gardens, native vegetation, and leaching catch basins. Storm water 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 at 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 insure the maintenance of all storm water 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 the future maintenance needs.

The surface water drainage will remain unchanged.

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

There will be no changes to the utility services to the property and the method of sanitary sewage disposal and solid waste disposal will remain unchanged.

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. Advertising features are subject to the provisions of Section 6.2 of the Zoning Bylaw.

Petitioner is still discussing any advertising features with respect to the building and is of the view that that matter can be dealt with administratively by the Planning Department.

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 will be no new machinery installed at the building and landscaping will be as shown on Petitioner's plans.

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 as 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.

All open and enclosed spaces as presently existing will remain unchanged and are safe for inhabits of the building as well as neighboring residents and passerby's.

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 practicable, whether these exist on the site or on adjacent properties.

There will be no exterior changes to the existing building.

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 impact on light, air, and water resources, or on noise and temperature levels of the immediate environment.

Not applicable.

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.
[LEED checklists can be found at <http://www.usgbc.org/DisplayPage.aspx?CMSPageID=220b>]

Petitioner is submitting a LEED's report of LaGrasse Yanowitz & Feyl with respect to LEEDS considerations with regard to the building.

In addition, projects subject to Environmental Design Review must address and meet the following Special Permit Criteria (see Section 3.3.3 of the Zoning Bylaw)

1. The use requested is listed in the Table of Use Regulations as a special permit in the district for which application is made or is so designated elsewhere in this Bylaw.

The building is located in the B1 zone.

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

The requested use will add additional residential units to the Town residential base which is in keeping with the master plan with respect to a mixed use zone such as a B1 zone and has been apparent for many years that the Town and its inhabitants and potential inhabitants would benefit from mixed use development in the Town.

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

There will be no significant change in traffic to or from the property such as to impair pedestrian safety as there will be no change to the traffic pattern as has existed at the property for many years.

4. 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 requested use will not overload of any town municipal system.

5. Any special regulations for the use, set forth in Article 11, are fulfilled.

This requirement is satisfied with respect to the plans.

6. 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 requested use is similar to other uses in the neighborhood of the property as there is a mix of commercial and residential uses in the neighborhood and will be in keeping with the character and nature of those uses. Once again, there will be no exterior changes to the existing building.

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

The requested use as mentioned in item No. 6 will not by its addition to the neighborhood in which the property is located cause an excess of that particular use that could be detrimental to the character of the neighborhood.

TOWN OF ARLINGTON

Dimensional and Parking Information
for Application to
The Arlington Redevelopment Board

Docket No. _____

Property Location ARLINGTON, MA

Zoning District B1

Owner: 400-402 MASS AVE LLC

Address: 400-402 MASS AVE, ARLINGTON

Present Use/Occupancy: No. of Dwelling Units:

(2) Res Dwelling Units + (3) Business Units

Proposed Use/Occupancy: No. of Dwelling Units:

(4) Res Dwelling Units + (1) Business Unit –

Uses and their gross square feet:

Residential: 2,225 GSF / Business: 2,692 GSF / (638 GSF Circ+Stor)

Uses and their gross square feet:

Residential: 4,287 GSF / Business: 630 GSF / (638 GSF Circ+Stor)

**as well as the mixed-use
zoning bylaw amendment**

	Present Conditions	Proposed Conditions	Min. or Max. Required by Zoning for Proposed Use
Lot Size	4756 SF	4756 SF	min. 5,000 SF
Frontage	71.7 FT Mass Ave 68 FT Avon St.	71.7 FT Mass Ave 68 FT Avon St.	min. 50 FT
Floor Area Ratio	1.16	1.16	max. .75
Lot Coverage (%), where applicable	--	--	max. N/A
Lot Area per Dwelling Unit (square feet)	(2 Dwelling Units) 2378 SF	(4 Dwelling Units) 1189 SF	min. 2,500 SF
Front Yard Depth (feet)	0 FT	0 FT	min. 20 FT
Side Yard Width (feet)	right side left side	5 FT	min. 10 FT
			min. 10 FT
Rear Yard Depth (feet)	20 FT	20 FT	min. 20 FT
Height	--	--	min. --
Stories	2 & 3/4 STY	2 & 3/4 STY	stories 3
Feet	29.9 FT	29.9 FT	feet 35 FT
Open Space (% of G.F.A.)	--	--	min. --
Landscaped (square feet)	864 SF +/-	864 SF +/-	(s.f.) 10%, OR 555 SF
Usable (square feet)	0	0	(s.f.) 20%, OR 1111 SF
Parking Spaces (No.)	6	6	min. 6
Parking Area Setbacks (feet), where applicable	N/A	N/A	min. --
Loading Spaces (No.)	0	0	min. --
Type of Construction	WOOD FRAME, TYPE VB		
Distance to Nearest Building	10'-3" +/-	10'-3" +/-	min. N/A

400-402 Massachusetts Avenue
Arlington, MA

Environmental Impact Statement

The property located at 400-402 Massachusetts Avenue contains 4,756 square feet+/- and is in a B1 zone which zone is defined in Section 5.5 - Business Districts section of the Zoning Bylaw and at 5.5.1, Subsection A.

The definition in the Zoning Bylaw for a property located in a B1 zone is as follows:

“B1: Neighborhood Office District. In the Neighborhood Office District, the predominant uses include one- and two-family dwellings, houses with offices on the ground floor, or office structures which are in keeping with the scale of adjacent houses. Primarily located on or adjacent to Massachusetts Avenue, this district is intended to encourage preservation of small-scale structures to provide contrast and set off the higher-density, more active areas along the Avenue. Mixed-use buildings without retail space are allowed in this district. The Town discourages uses that would detract from the desired low level of activity, consume large amounts of land, or otherwise interfere with the intent of this Bylaw.”

The property was the subject of a 1980 Zoning Hearing and Decision which provided that there be no more than two (2) apartments developed on the site and that there would be at least one on-site parking space per dwelling unit to be set aside for apartment tenants and that the entrance to the basement space be from the front of the building with an open stairway leading down from the inside entrance and clearly marked as to how to enter the basement.

The Petitioner’s representative has now filed a Petition to Amend the Special Permit in accordance with the new mixed-use bylaw which applies in an B1 zone requesting that the building be allowed to have one (1) office unit and

four (4) residential units in accordance with plans submitted to the Zoning Board and which are also being submitted to the Arlington Redevelopment Board (hereinafter “ARB”) at this time.

While the 1980 Zoning Decision limited the number of apartments in the buildings to two (2) under the mixed-use bylaw and in accordance with the provisions Section 3.4, further Section 3.4.4 of the Zoning Bylaw, the ARB has the jurisdiction with respect to any work or changes to be made to the existing building and in exercising its jurisdiction the ARB is to follow certain standards in reviewing Petitioner’s plans in accordance with a portion of the language of Section 3.4.4 which states the following:

“The Standards are intended to provide a frame of reference for the Applicant in the development of site and building plans as well as a method of review for the review authority. They shall not be regarded as inflexible requirements and they are not intended to discourage creativity, invention and innovation.”

The property is located in a mixed-use area directly across from the main Arlington Fire Station, within steps of the heart of Arlington Center with its significant retail uses, but at the fringe of that area at a point where there is a transition to more residential uses, including a number of apartment buildings, smaller mixed-use offices and residential buildings as well as commercial buildings such as the commercial building located at 397 Massachusetts Avenue, across from the Fire Station.

Petitioner does not propose changes to the exterior of the building but rather seeks to maintain the mixed-use history of the building with respect to its plans.

The proposed use comports comfortably with the language contained in the definition of the neighborhood office district contained in the Zoning Bylaw as the proposed use will provide contrast and set off the higher-density, more active areas along the Massachusetts Avenue and further would not detract from a low-level of activity with respect to the use.

The total gross floor area (GFA) would remain the same with respect to Petitioner's plans and the property is nonconforming with respect to the Zoning Bylaw lot size, floor area ratio, lot area per dwelling, front, side yard depths, useable open space and parking space minimum requirements contained in the Bylaw.

As a result of the increase in the requested number of residential units from two (2) to four (4), the proposal would increase the nonconformity with respect to the lot area per dwelling unit by reducing it from 2032 square feet per unit to 921 square feet per unit.

Petitioner also proposes to increase the two (2) parking spaces currently located at the property from two (2) to six (6), while the required parking spaces would be 6.1 parking spaces as set forth within the substance of the Zoning Bylaw with respect to the proposed use which requires Petitioner to request a reduction with respect to the parking requirements contained in the Zoning Bylaw.

Accordingly, Petitioner is prepared in accordance with Section 6.1.5, further subsection C of the Zoning Bylaw to comply with the provisions of the Transportation Demand Management (TDM) conditions contained in subsection C as follows:

- (1) Provide covered bicycle parking and storage;
- (2) Provide an electric charging station; and

(3) Installation of a shower in the office unit.

The Zoning of Board Appeals in a decision dated June 23, 2020 unanimously voted that in light of the fact that the Petitioner's proposal invokes the jurisdiction of Section 3.4 of the Zoning Bylaw under Environmental Design Review, that the ARB can review the proposal in accordance with the criteria of Sections 3.3.3 and 3.4 and if the ARB approves Petitioner's proposal then that decision would be the controlling decision with respect to Petitioner's mixed-use proposal, but if the proposed Petition was not approved by the ARB, then the 1980 Special Permit Zoning Board of Appeals conditions would remain in effect.

The Members of the Zoning Board went on to find that the 1980 Special Permit issued by the Zoning Board which allowed for two (2) apartments and one (1) office on the site and which also made provision for parking spaces for the dwelling units would essentially be superseded by the decision of the ARB since the Zoning Board in any event would not have the authority to issue a Special Permit under Environmental Design Review as that jurisdiction was solely the authority of the ARB.

In summary, the relief sought by Petitioner is for conversion of the property from two (2) residential units and one (1) business units into four (4) residential dwelling units and one (1) business unit.

The permit applied for requires relief from the following sections of the Zoning Bylaw:

1. Section 6.1.5, (C) – Transportation Management relief;
2. Section 3.4. Environmental Design Review;
3. Section 5.3.16 – Yards and setbacks for lots adjoining a street or public open space; and

4. Mixed-use amendment to the zoning bylaw.

Petitioner has addressed the standards of Section 3.4 of the Zoning Bylaw as follows:

1. The landscaped opened space which is presently 864 square feet+/- will remain at 864+/- square feet while zoning would require 555 square feet+/-.
2. The exterior of the building will not change as all the changes will be interior changes.
3. The useable open space which is 0 will remain at 0 with respect to Petitioner's proposed interior plans to the building.
4. Traffic circulation will remain unchanged with one-way traffic in and out to the parking spaces which are located to the rear of the building.
5. The surface water drainage will remain unchanged.
6. There will be no changes to the utility service to the property.
7. Petitioner will, in all likelihood, discuss any advertising features with respect to the proposal with the Planning Department and would expect that any proposal made could be dealt with administratively by the Planning Department.
8. There will be no new machinery installed at the building.
9. All opened and closed spaces at the building will remained unchanged.
10. Petitioner has submitted a LEED's report of LAGRASSE YANOWITZ & FEYL with respect to LEED considerations with respect to the proposal as a part of its submission to the ARB.



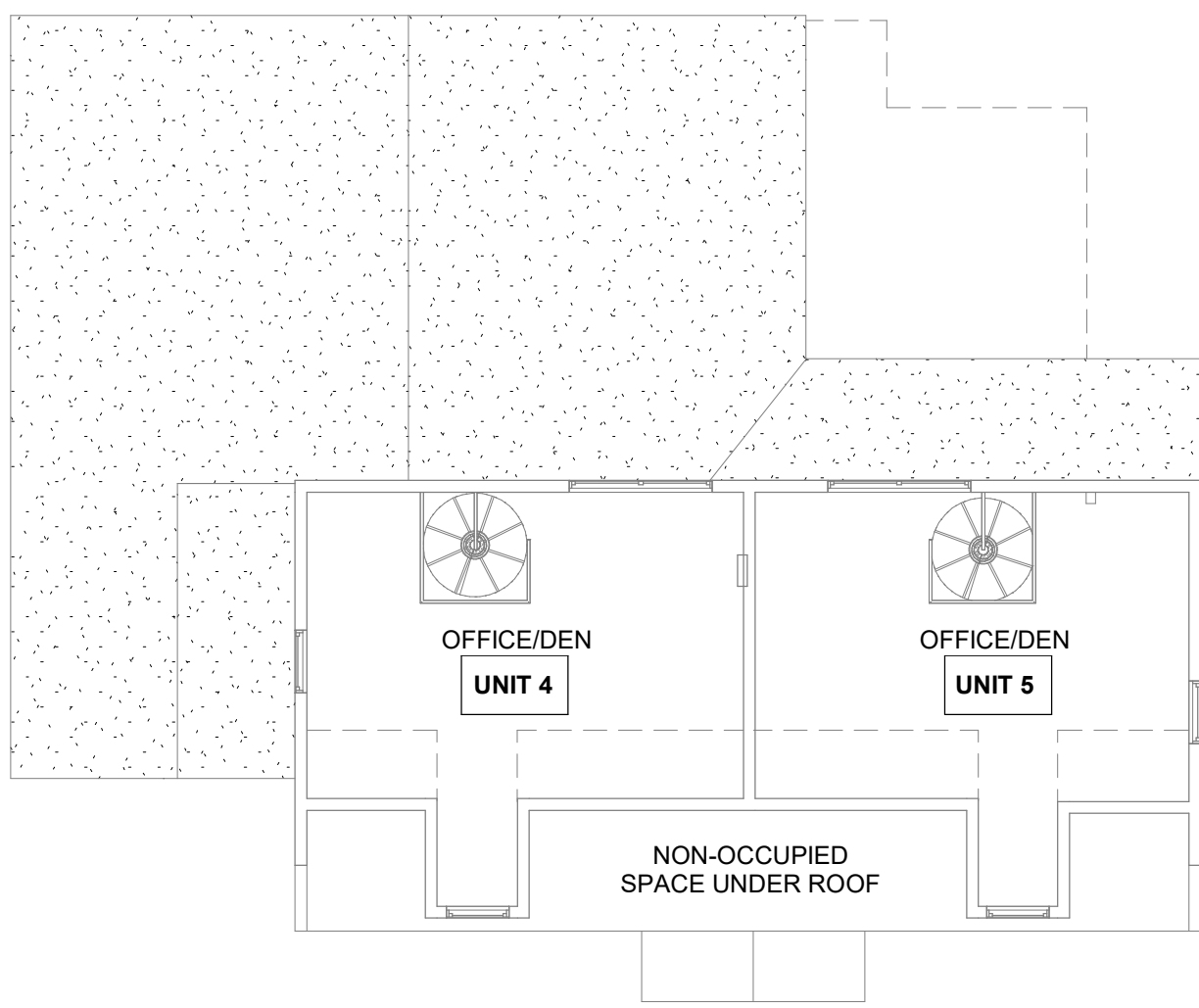
400 MASS AVE
ARLINGTON

EXISTING FLOOR PLANS

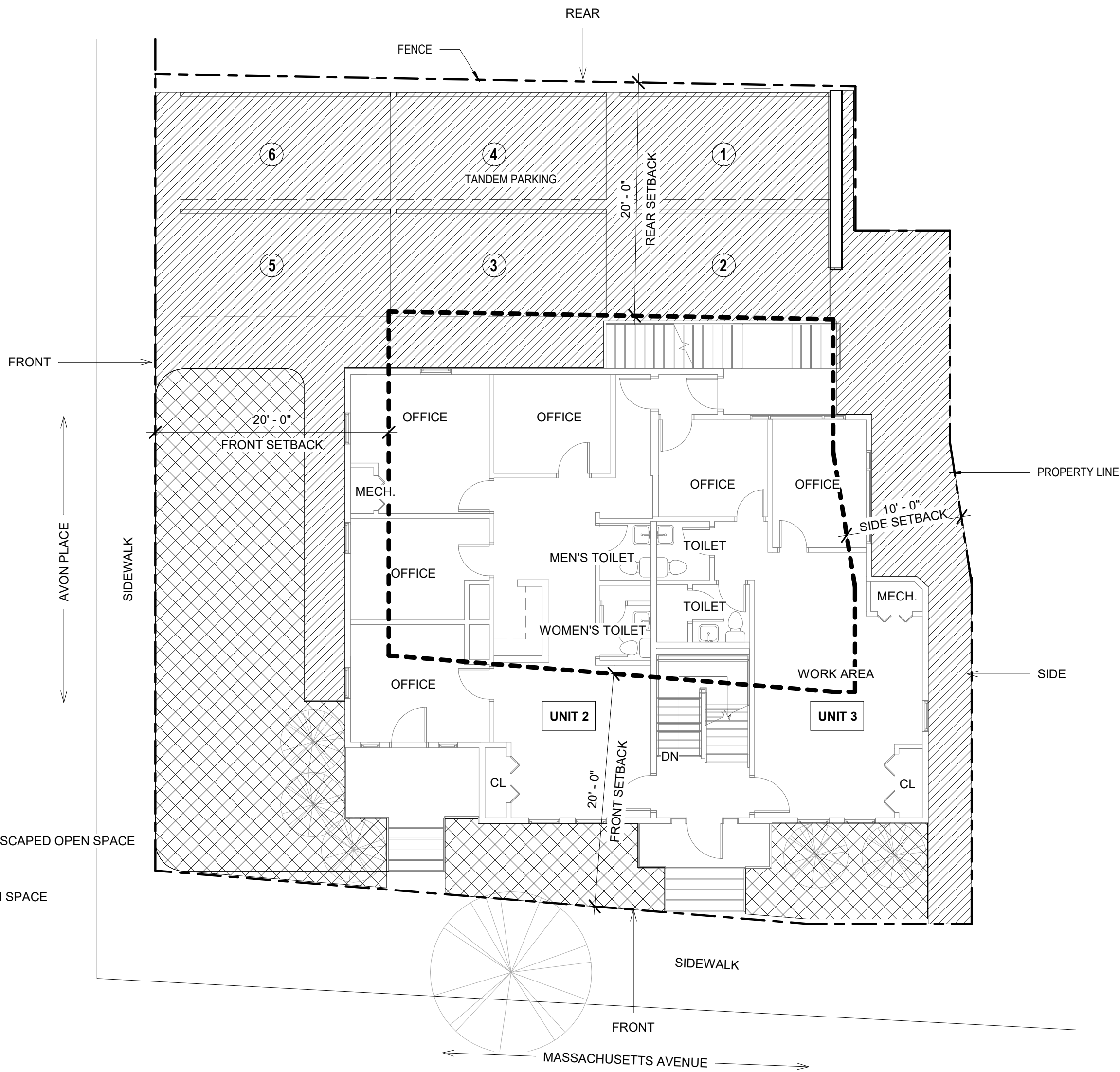
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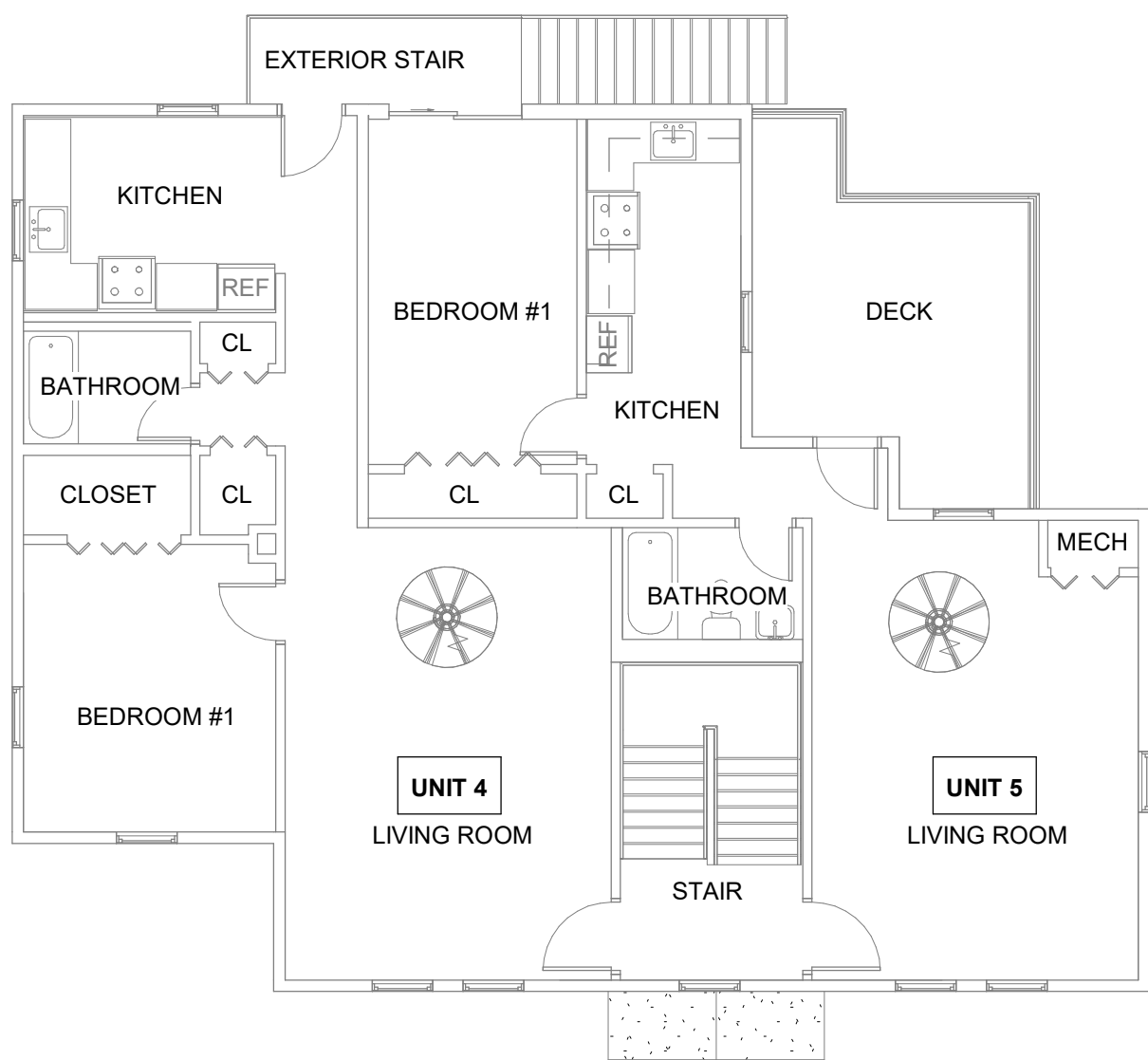
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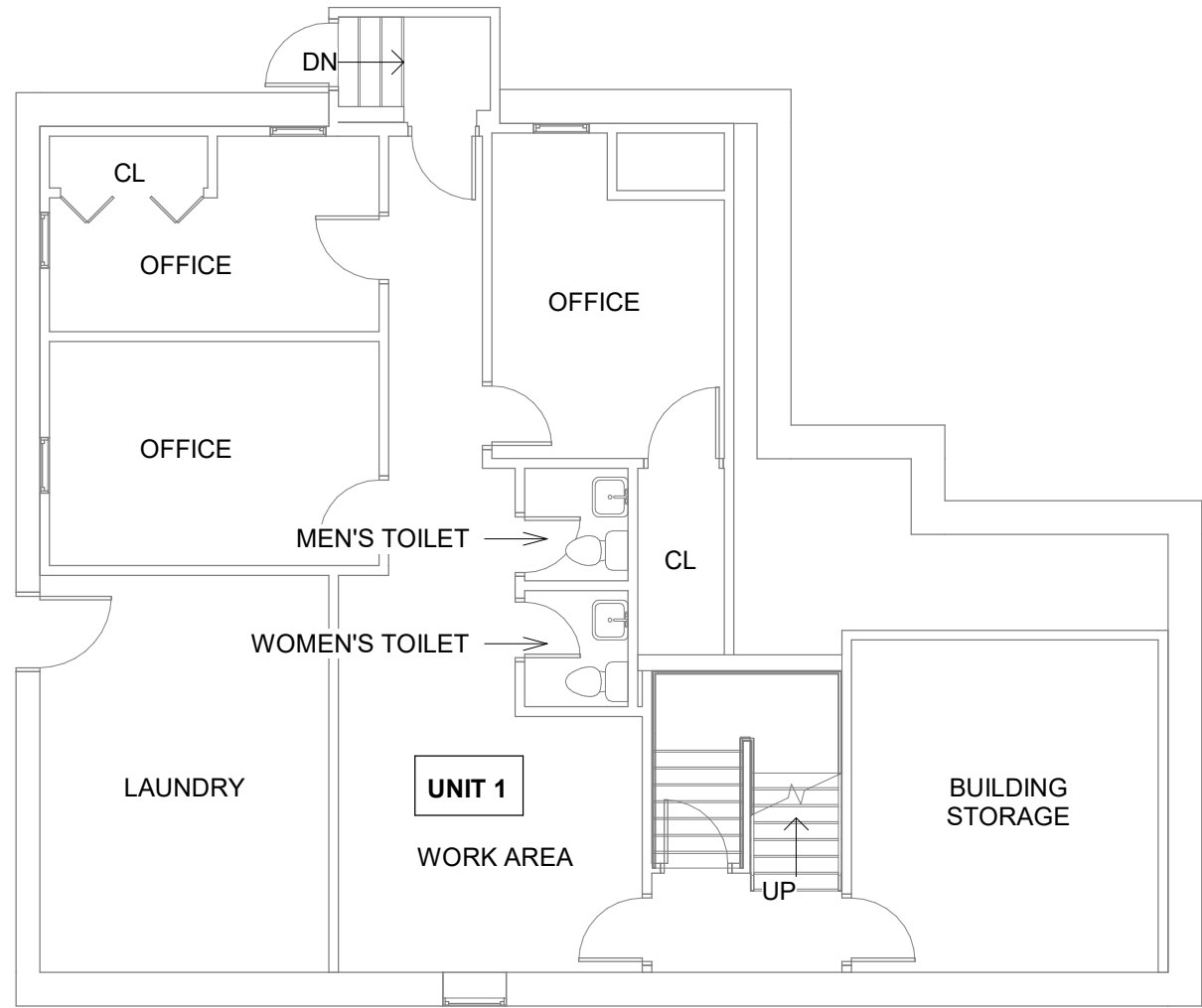
4 THIRD FLOOR PLAN
1/8" = 1'-0"



2 EXISTING FIRST FLOOR PLAN + SITE W/
ZONING INFORMATION
1/8" = 1'-0"



3 SECOND FLOOR PLAN
1/8" = 1'-0"



1 BASEMENT PLAN
1/8" = 1'-0"

SUMMARY USE GROUPS			
FLOOR	UNIT	EXISTING	PROPOSED
BASEMENT	UNIT 1	BUSINESS	RESIDENTIAL 1 BEDROOM
1ST FLOOR	UNIT 2	BUSINESS	RESIDENTIAL 2 BEDROOM
1ST FLOOR	UNIT 3	BUSINESS	BUSINESS (NO CHANGE)
2ND FLOOR	UNIT 4	RESIDENTIAL 1 BEDROOM	RESIDENTIAL 1 BEDROOM (NO CHANGE)
2ND FLOOR	UNIT 5	RESIDENTIAL 1 BEDROOM	RESIDENTIAL 1 BEDROOM (NO CHANGE)
		2 BEDROOMS	5 BEDROOMS



LAGRASSE YANOWITZ & FEYL

ARCHITECTURE + LAND PLANNING
+ CONSTRUCTION MANAGEMENT

ONE ELM SQUARE
ANDOVER | MA | 01810

T: 978.470.3675
www.LYFArchitects.com



400 MASS AVE
ARLINGTON

PROPOSED FLOOR PLANS

Prepared for:
Location: Approver
Title

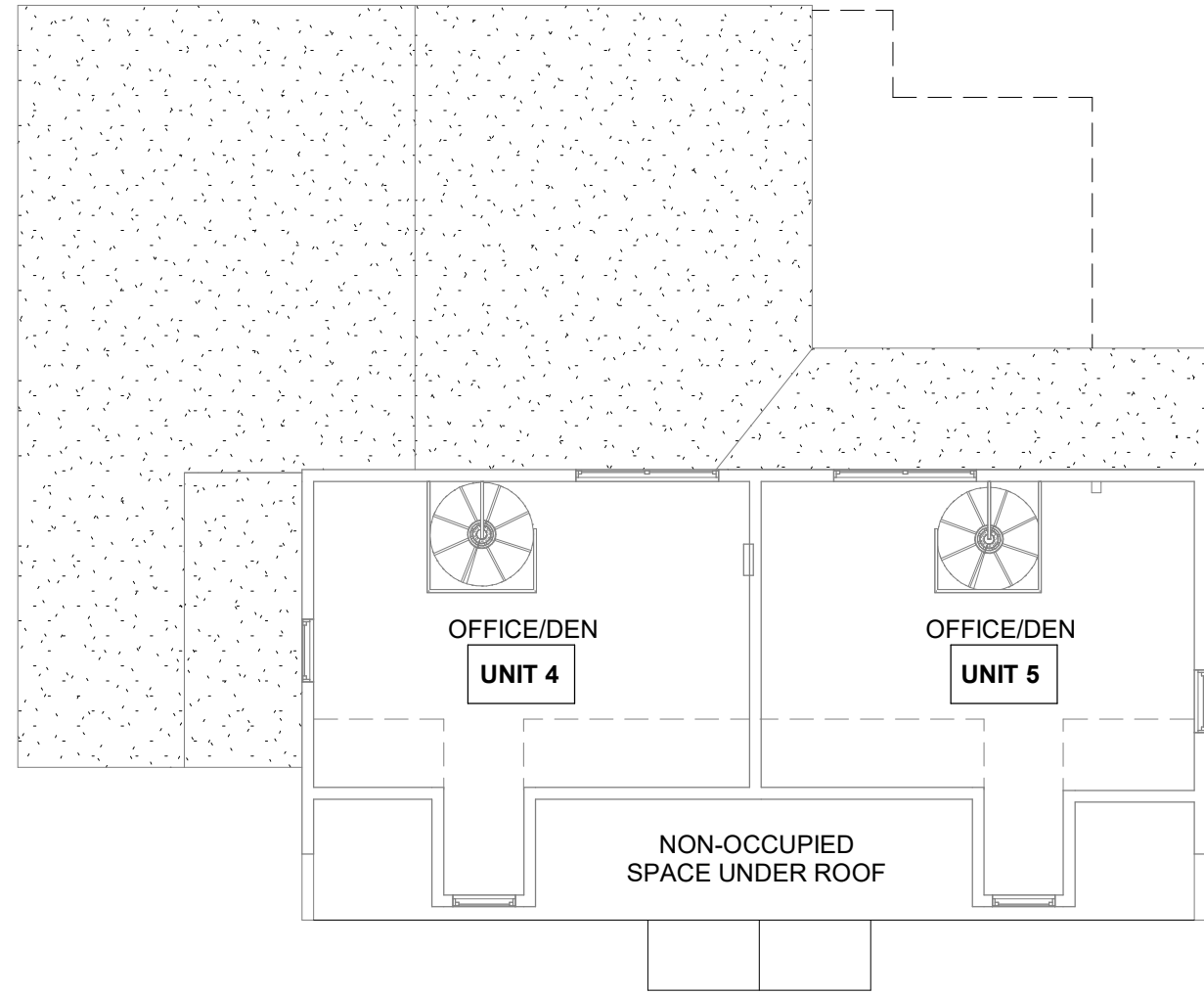
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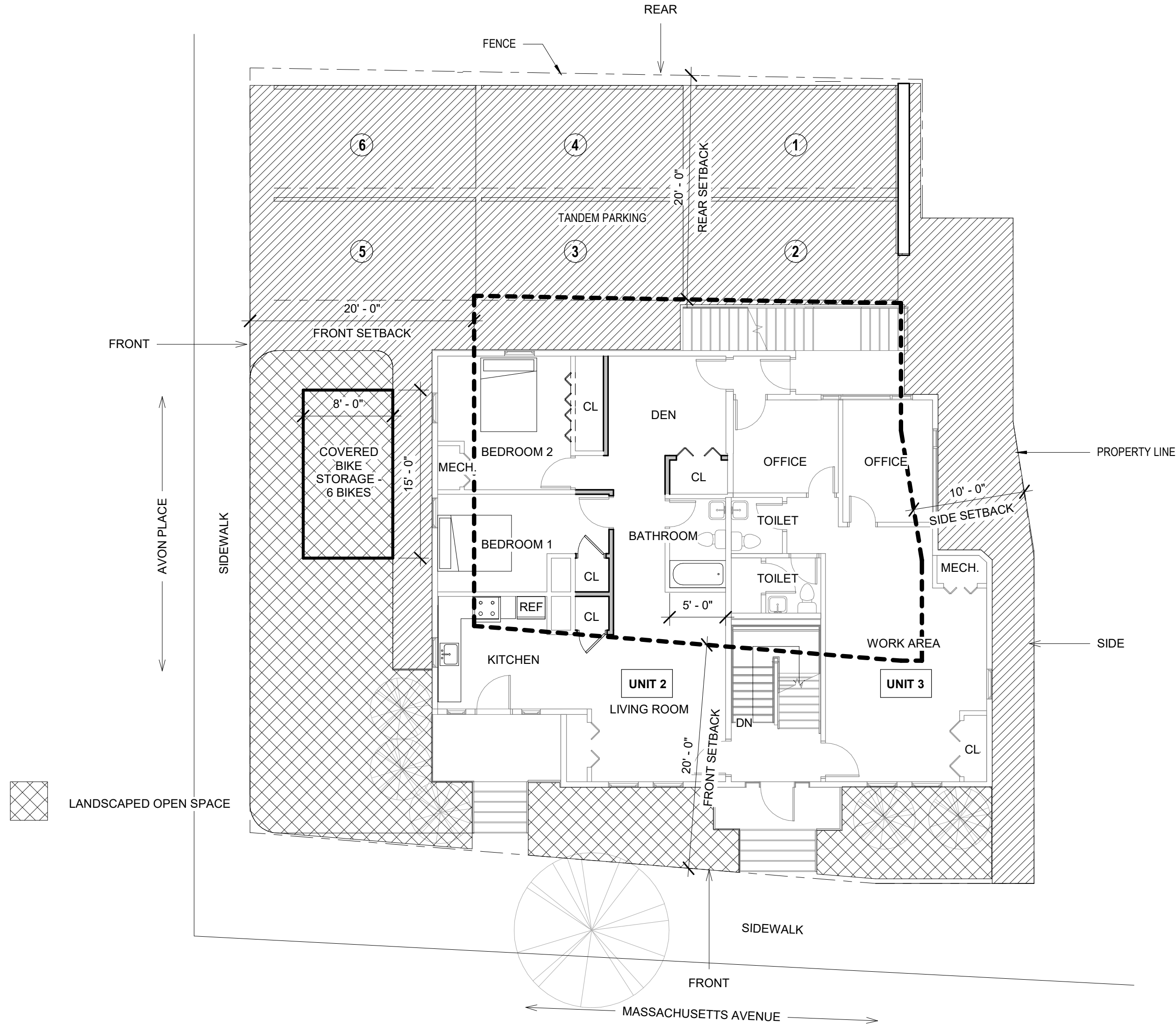
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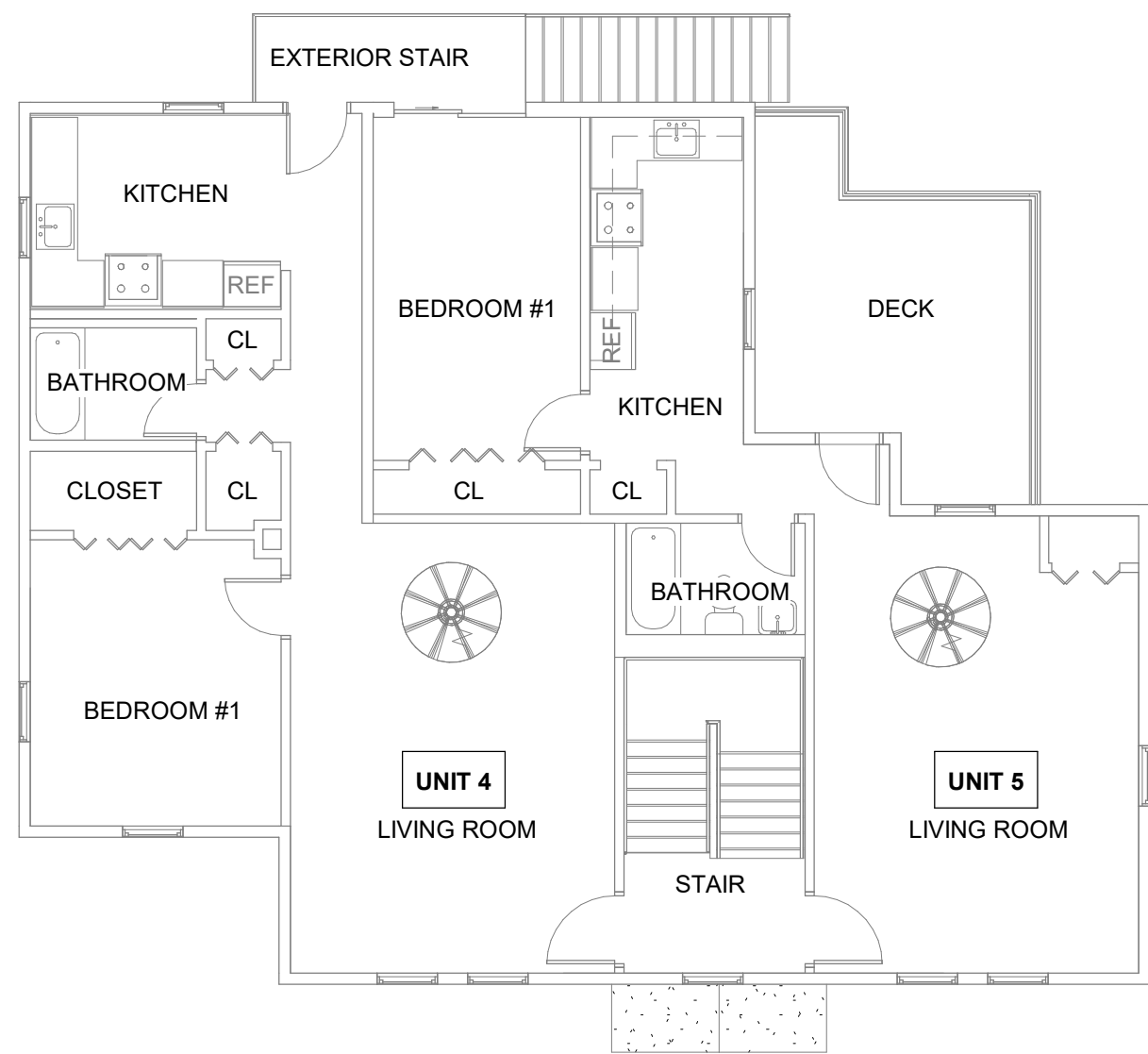
4 THIRD FLOOR PLAN (NO CHANGES)
1/8" = 1'-0"



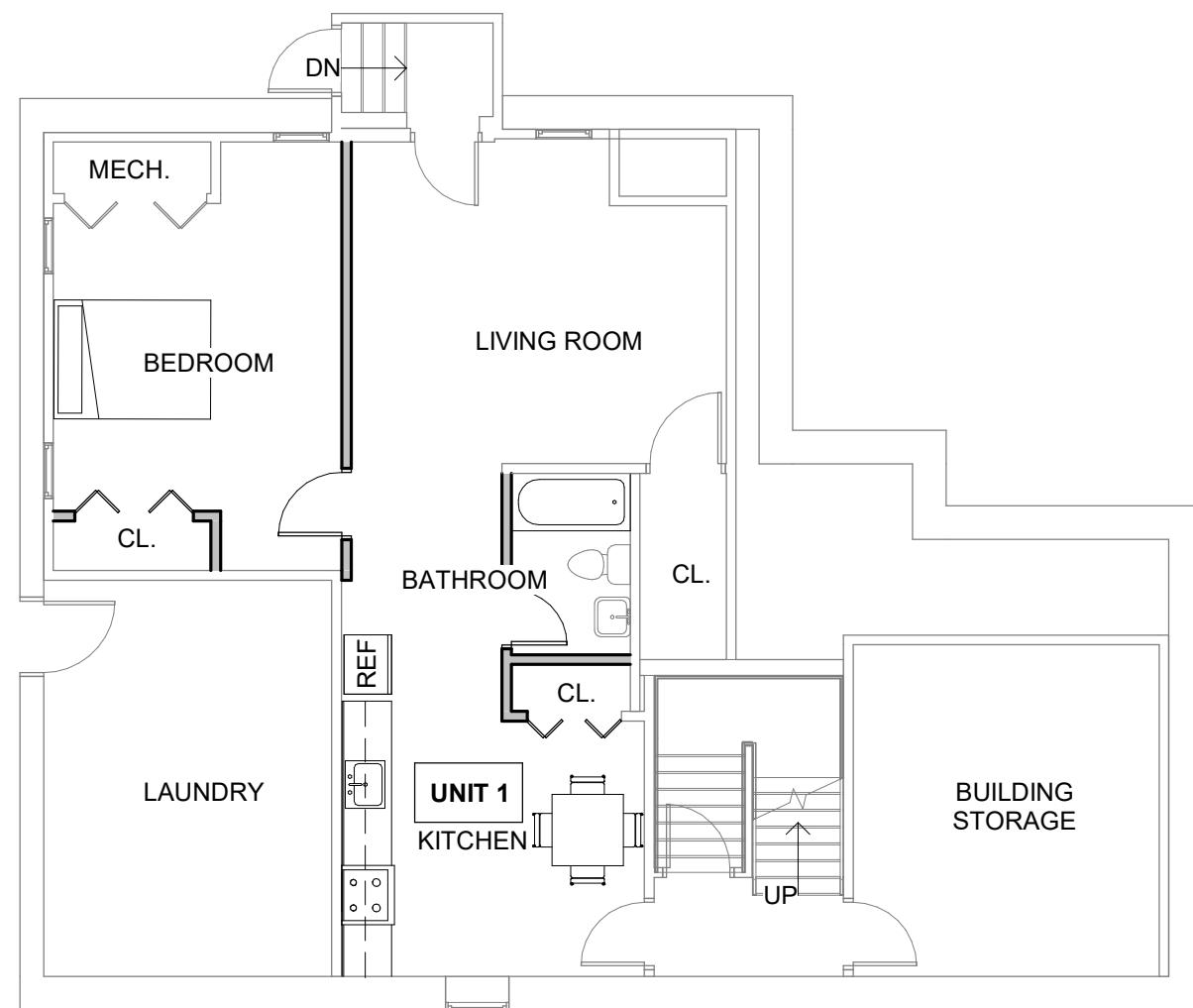
2 PROPOSED FIRST FLOOR PLAN + SITE
W/ZONING INFORMATION
1/8" = 1'-0"

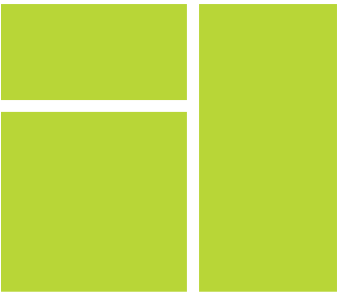


3 SECOND FLOOR PLAN (NO CHANGES)
1/8" = 1'-0"



1 BASEMENT PLAN -PROPOSED
1/8" = 1'-0"





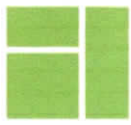
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400 MASSACHUSETTS AVE. ARLINGTON, MA
BUILDING FACADE PHOTOS



400 MASS AVE – LEED CONSIDERATIONS

The improvements at 400-402 Massachusetts Avenue will look to incorporate the items below per 'LEED_v4.1_Residential_BD_C_Multifamily_Homes' to support the sustainable building practices goal in Arlington, MA.

LOW EMITTING MATERIALS

These materials are to be integrated to reduce concentrations of chemical contaminants that can damage air quality, human health, productivity, and the environment. Some of these building materials are as follows:

-Paints and Coatings

At least 75% of all paints and coatings, by volume or surface area, are to meet the VOC emissions evaluation AND 100% meet the VOC content evaluation.

-Adhesives and Sealants

At least 75% of all adhesives and sealants, by volume or surface area, are to meet the VOC emissions evaluation AND 100% meet the VOC content evaluation

-Flooring

At least 90% of all flooring materials (carpet, ceramic, vinyl, rubber, engineered, solid wood, laminates), by cost or surface area, is to meet the VOC emissions evaluation OR inherently non emitting sources criteria, OR salvaged and reused materials criteria.

INDOOR AIR QUALITY

The LEED objective is to establish better quality indoor air in the building after construction and during occupancy. Before each dwelling unit is occupied, air cleaning, a flush-out with a recirculating HEPA Air Filtration Device, and air testing in the unit to Demonstrate that 10 micron particles do not exceed 8 µg/m³ should be performed.

ACCESS TO QUALITY TRANSIT

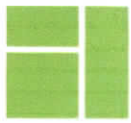
Functional entry is located within ¼ mile walking distance to existing bus stop.

ENVIRONMENTALLY PREFERABLE PRODUCTS

At least 70% of each new compliant building component (floor covering, insulation, framing/structural systems, drywall, doors cabinets, countertops and/or interior trim), by weight or volume, will aim meet one of the requirements below:

The product contains at least 25% reclaimed material, including salvaged, refurbished, or reused materials. For renovation projects, existing components are considered reclaimed. Wood by-products can be counted as reclaimed material. These include items from secondary manufacturers; felled, diseased, or dead trees from urban or suburban areas; orchard trees that are unproductive and cut for replacement; and wood recovered from landfills or water bodies.

The product contains at least 25% postconsumer or 50% pre consumer content.



Wood products must be Forest Stewardship Council (FSC) Certified, or USGBC-approved equivalent.

Bio-based materials. Bio-based products must meet the Sustainable Agriculture Network's Sustainable Agriculture Standard. Bio-based raw materials must be tested using ASTM Test Method D6866 and be legally harvested, as defined by the exporting and receiving country. Exclude hide products, such as leather and other animal skin material.

Concrete that consists of at least 30% fly ash or slag used as a cement substitute.

Extended producer responsibility. Products purchased from a manufacturer (producer) that participates in an extended producer responsibility program or is directly responsible for extended producer responsibility.

WATER USE REDUCTION

The project will seek to reduce aggregate water consumption by 20% from the baseline for each new fixture (toilets, showerheads, dishwashers, etc.)

MINIMUM ENERGY PERFORMANCE

For new dwelling units, heating and cooling systems will look to meet the following equipment selection sizing guidelines, or next nominal size:

Cooling Equipment:

Single-Speed Compressor: 90-130% of total heat gain

Two-Speed Compressor: 90-140% of total heat gain

Variable-Speed Compressor: 90-160% of total heat gain

Heating Equipment:

100-140% of total heat loss AND energy performance compliance.

TOWN OF ARLINGTON
REDEVELOPMENT BOARD

Application for Special Permit In Accordance with Environmental Design
Review Procedures (Section 3.4 of the Zoning Bylaw)

Docket No. _____

1. Property Address: 400-402 Mass Ave
Name of Record Owner(s): 400-402 Mass Avenue, LLC Phone: 781-646-4911
Address of Owner: 455 Mass Ave, Suite #1, Arlington, MA 02474
Street City, State, ZIP
2. Name of Applicant(s) (if different than above): SAME
Address: _____ Phone: _____
Status Relative to Property (occupant, purchaser, etc.): _____
3. Location of Property: MAP 101.0 BLOCK 0002 LOT 0003.A
Assessor's Block Plan, Block, Lot No.
4. Deed recorded in the Middlesex South District Registry of Deeds, Book 70704, Page 49; or- registered
in Land Registration Office, Cert. No _____, Book _____, Page _____
5. Present Use of Property (include # of dwelling units, if any): (2) Residential dwelling units, (3) business units
6. Proposed Use of Property (include # of dwelling units, if any): (4) Residential dwelling units, (1) business unit
7. Permit applied for in accordance with the following Zoning Bylaw section(s):

<u>Section 6.1.5(c)</u>	<u>Transportation demand management relief</u>
<u>Section 4.4</u>	<u>Environmental Design Review</u>
<u>Section 3.16</u>	<u>Yards or setbacks for lots adjoining a street or public open space</u>
8. Please attach a statement that describes your project and provide any additional information that may aid the ARB in understanding the permits you request. Include any reasons that you feel you should be granted the requested permission.

See attached Statement incorporated by reference into the terms of this Application.

(In the statement below, strike out the words that do not apply)

The applicant states that 400-402 Mass Avenue, LLC is the OWNER of the property in Arlington located at 400-402 Mass Ave, Arlington, MA which is the subject of this application; and that unfavorable action -or- no unfavorable action has been taken by the Zoning Board of Appeals on a similar application regarding this property within the last two years. The applicant expressly agrees to comply with any and all conditions and qualifications imposed upon this permission, either by the Zoning Bylaw or by the Redevelopment Board, should the permit be granted.

Signature of Applicant(s)

c/o Robert J. Annese, 1171 Mass Ave., Arlington, MA 02476
Address

781-646-4911
Phone



Town of Arlington Redevelopment Board
Application for Special Permit in accordance with
Environmental Design Review (Section 3.4)

Required Submittals Checklist

Two full sets of materials and one electronic copy are required. A model may be requested.
Review the ARB's Rules and Regulations, which can be found at arlingtonma.gov/arb, for the full
list of required submittals.

- ☒ Dimensional and Parking Information Form (see attached)
- ☒ Site plan of proposal
- ☐ Model, if required
- ☒ Drawing of existing conditions
- ☒ Drawing of proposed structure
- ☐ Proposed landscaping. May be incorporated into site plan
- ☒ Photographs
- ☒ Impact statement
- ☐ Application and plans for sign permits
- ☐ Stormwater management plan (for stormwater management during construction for projects with new construction)

FOR OFFICE USE ONLY

_____ Special Permit Granted Date: _____

_____ Received evidence of filing with Registry of Deeds Date: _____

_____ Notified Building Inspector of Special Permit filing Date: _____

TOWN OF ARLINGTON
REDEVELOPMENT BOARD

Petition for Special Permit under Environmental Design Review (see Section 3.4 of the Arlington Zoning Bylaw for Applicability)

For projects subject to Environmental Design Review, (see section 3.4), please submit a statement that completely describes your proposal, and addresses each of the following standards.

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.

The landscaped open space which is presently 864 square feet +/- will remain at 864 square feet +/- while zoning would require 555 square feet +/-..

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

The exterior physical characteristics of the building will no change as all of the changes will be interior changes to the building.

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 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.

The useable open space which 0 will remain at 0 with respect to Petitioner's proposed interior plans to the building.

4. **Circulation.** With respect to vehicular, 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 8.13 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.

Traffic circulation will remain unchanged with one way traffic in and out to the parking spaces located to the rear of the building.

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 storm water treatment by means of swales, filters, plantings, roof gardens, native vegetation, and leaching catch basins. Storm water 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 at 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 insure the maintenance of all storm water 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 the future maintenance needs.

The surface water drainage will remain unchanged.

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

There will be no changes to the utility services to the property and the method of sanitary sewage disposal and solid waste disposal will remain unchanged.

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. Advertising features are subject to the provisions of Section 6.2 of the Zoning Bylaw.

Petitioner is still discussing any advertising features with respect to the building and is of the view that that matter can be dealt with administratively by the Planning Department.

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 will be no new machinery installed at the building and landscaping will be as shown on Petitioner's plans.

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 as 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.

All open and enclosed spaces as presently existing will remain unchanged and are safe for inhabits of the building as well as neighboring residents and passerby's.

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 practicable, whether these exist on the site or on adjacent properties.

There will be no exterior changes to the existing building.

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 impact on light, air, and water resources, or on noise and temperature levels of the immediate environment.

Not applicable.

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.
- [LEED checklists can be found at <http://www.usgbc.org/DisplayPage.aspx?CMSPageID=220b>]

Petitioner is submitting a LEED's report of LaGrasse Yanowitz & Feyl with respect to LEEDS considerations with regard to the building.

In addition, projects subject to Environmental Design Review must address and meet the following Special Permit Criteria (see Section 3.3.3 of the Zoning Bylaw)

1. The use requested is listed in the Table of Use Regulations as a special permit in the district for which application is made or is so designated elsewhere in this Bylaw.

The building is located in the B1 zone.

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

The requested use will add additional residential units to the Town residential base which is in keeping with the master plan with respect to a mixed use zone such as a B1 zone and has been apparent for many years that the Town and its inhabitants and potential inhabitants would benefit from mixed use development in the Town.

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

There will be no significant change in traffic to or from the property such as to impair pedestrian safety as there will be no change to the traffic pattern as has existed at the property for many years.

4. 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 requested use will not overload of any town municipal system.

5. Any special regulations for the use, set forth in Article 11, are fulfilled.

This requirement is satisfied with respect to the plans.

6. 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 requested use is similar to other uses in the neighborhood of the property as there is a mix of commercial and residential uses in the neighborhood and will be in keeping with the character and nature of those uses. Once again, there will be no exterior changes to the existing building.

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

The requested use as mentioned in item No. 6 will not by its addition to the neighborhood in which the property is located cause an excess of that particular use that could be detrimental to the character of the neighborhood.

SUPERSEDED

TOWN OF ARLINGTON

Dimensional and Parking Information
for Application to
The Arlington Redevelopment Board

Docket No. _____

Property Location ARLINGTON, MA

Zoning District B1

Owner: 400-402 MASS AVE LLC

Address: 400-402 MASS AVE, ARLINGTON

Present Use/Occupancy: No. of Dwelling Units:

(2) Res Dwelling Units + (3) Business Units

Proposed Use/Occupancy: No. of Dwelling Units:

(4) Res Dwelling Units + (1) Business Unit

Uses and their gross square feet:

Residential: 2,225 GSF / Business: 2,692 GSF / (638 GSF Circ+Stor)

Uses and their gross square feet:

Residential: 4,287 GSF / Business: 630 GSF / (638 GSF Circ+Stor)

	Present Conditions	Proposed Conditions	Min. or Max. Required by Zoning for Proposed Use
Lot Size	4756 SF	4756 SF	min. 5,000 SF
Frontage	71.7 FT Mass Ave 68 FT Avon St.	71.7 FT Mass Ave 68 FT Avon St.	min. 50 FT
Floor Area Ratio	1.16	1.16	max. .75
Lot Coverage (%), where applicable	--	--	max. N/A
Lot Area per Dwelling Unit (square feet)	(2 Dwelling Units) 2378 SF	(4 Dwelling Units) 1189 SF	min. 2,500 SF
Front Yard Depth (feet)	0 FT	0 FT	min. 20 FT
Side Yard Width (feet)	right side 5 FT	5 FT	min. 10 FT
	left side		min. 10 FT
Rear Yard Depth (feet)	20 FT	20 FT	min. 20 FT
Height	--	--	min. --
Stories	2 & 3/4 STY	2 & 3/4 STY	stories 3
Feet	29.9 FT	29.9 FT	feet 35 FT
Open Space (% of G.F.A.)	--	--	min. --
Landscaped (square feet)	864 SF +/-	864 SF +/-	(s.f.) 10%, OR 555 SF
Usable (square feet)	0	0	(s.f.) 20%, OR 1111 SF
Parking Spaces (No.)	6	6	min. 6
Parking Area Setbacks (feet), where applicable	N/A	N/A	min. --
Loading Spaces (No.)	0	0	min. --
Type of Construction	WOOD FRAME, TYPE VB		
Distance to Nearest Building	10'-3" +/-	10'-3" +/-	min. N/A

400-402 Massachusetts Avenue
Arlington, MA

Environmental Impact Statement

The property located at 400-402 Massachusetts Avenue contains 4,756 square feet+/- and is in a B1 zone which zone is defined in Section 5.5 - Business Districts section of the Zoning Bylaw and at 5.5.1, Subsection A.

The definition in the Zoning Bylaw for a property located in a B1 zone is as follows:

"B1: Neighborhood Office District. In the Neighborhood Office District, the predominant uses include one- and two-family dwellings, houses with offices on the ground floor, or office structures which are in keeping with the scale of adjacent houses. Primarily located on or adjacent to Massachusetts Avenue, this district is intended to encourage preservation of small-scale structures to provide contrast and set off the higher-density, more active areas along the Avenue. Mixed-use buildings without retail space are allowed in this district. The Town discourages uses that would detract from the desired low level of activity, consume large amounts of land, or otherwise interfere with the intent of this Bylaw."

The property was the subject of a 1980 Zoning Hearing and Decision which provided that there be no more than two (2) apartments developed on the site and that there would be at least one on-site parking space per dwelling unit to be set aside for apartment tenants and that the entrance to the basement space be from the front of the building with an open stairway leading down from the inside entrance and clearly marked as to how to enter the basement.

The Petitioner's representative has now filed a Petition to Amend the Special Permit in accordance with the new mixed-use bylaw which applies in an B1 zone requesting that the building be allowed to have one (1) office unit and

four (4) residential units in accordance with plans submitted to the Zoning Board and which are also being submitted to the Arlington Redevelopment Board (hereinafter "ARB") at this time.

While the 1980 Zoning Decision limited the number of apartments in the buildings to two (2) under the mixed-use bylaw and in accordance with the provisions Section 3.4, further Section 3.4.4 of the Zoning Bylaw, the ARB has the jurisdiction with respect to any work or changes to be made to the existing building and in exercising its jurisdiction the ARB is to follow certain standards in reviewing Petitioner's plans in accordance with a portion of the language of Section 3.4.4 which states the following:

"The Standards are intended to provide a frame of reference for the Applicant in the development of site and building plans as well as a method of review for the review authority. They shall not be regarded as inflexible requirements and they are not intended to discourage creativity, invention and innovation."

The property is located in a mixed-use area directly across from the main Arlington Fire Station, within steps of the heart of Arlington Center with its significant retail uses, but at the fringe of that area at a point where there is a transition to more residential uses, including a number of apartment buildings, smaller mixed-use offices and residential buildings as well as commercial buildings such as the commercial building located at 397 Massachusetts Avenue, across from the Fire Station.

Petitioner does not propose changes to the exterior of the building but rather seeks to maintain the mixed-use history of the building with respect to its plans.

The proposed use comports comfortably with the language contained in the definition of the neighborhood office district contained in the Zoning Bylaw as the proposed use will provide contrast and set off the higher-density, more active areas along the Massachusetts Avenue and further would not detract from a low-level of activity with respect to the use.

The total gross floor area (GFA) would remain the same with respect to Petitioner's plans and the property is nonconforming with respect to the Zoning Bylaw lot size, floor area ratio, lot area per dwelling, front, side yard depths, useable open space and parking space minimum requirements contained in the Bylaw.

As a result of the increase in the requested number of residential units from two (2) to four (4), the proposal would increase the nonconformity with respect to the lot area per dwelling unit by reducing it from 2032 square feet per unit to 921 square feet per unit.

Petitioner also proposes to increase the two (2) parking spaces currently located at the property from two (2) to six (6), while the required parking spaces would be 6.1 parking spaces as set forth within the substance of the Zoning Bylaw with respect to the proposed use which requires Petitioner to request a reduction with respect to the parking requirements contained in the Zoning Bylaw.

Accordingly, Petitioner is prepared in accordance with Section 6.1.5, further subsection C of the Zoning Bylaw to comply with the provisions of the Transportation Demand Management (TDM) conditions contained in subsection C as follows:

- (1) Provide covered bicycle parking and storage;
- (2) Provide preferential parking for carpooling vehicles; and

(3) Provide bicycle or car sharing on site.

The Zoning of Board Appeals in a decision dated June 23, 2020 unanimously voted that in light of the fact that the Petitioner's proposal invokes the jurisdiction of Section 3.4 of the Zoning Bylaw under Environmental Design Review, that the ARB can review the proposal in accordance with the criteria of Sections 3.3.3 and 3.4 and if the ARB approves Petitioner's proposal then that decision would be the controlling decision with respect to Petitioner's mixed-use proposal, but if the proposed Petition was not approved by the ARB, then the 1980 Special Permit Zoning Board of Appeals conditions would remain in effect.

The Members of the Zoning Board went on to find that the 1980 Special Permit issued by the Zoning Board which allowed for two (2) apartments and one (1) office on the site and which also made provision for parking spaces for the dwelling units would essentially be superseded by the decision of the ARB since the Zoning Board in any event would not have the authority to issue a Special Permit under Environmental Design Review as that jurisdiction was solely the authority of the ARB.

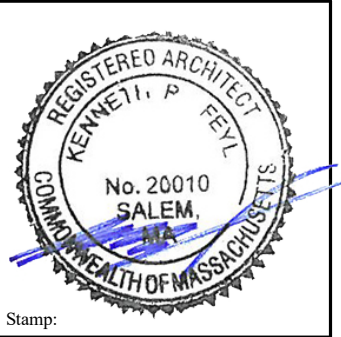
In summary, the relief sought by Petitioner is for conversion of the property from two (2) residential units and one (1) business units into four (4) residential dwelling units and one (1) business unit.

The permit applied for requires relief from the following sections of the Zoning Bylaw:

1. Section 6.1.5, (C) – Transportation Management relief;
2. Section 3.4. Environmental Design Review; and
3. Section 5.3.16 – Yards and setbacks for lots adjoining a street or public open space.

Petitioner has addressed the standards of Section 3.4 of the Zoning Bylaw as follows:

1. The landscaped opened space which is presently 864 square feet+/- will remain at 864+/- square feet while zoning would require 555 square feet+/-.
2. The exterior of the building will not change as all the changes will be interior changes.
3. The useable open space which is 0 will remain at 0 with respect to Petitioner's proposed interior plans to the building.
4. Traffic circulation will remain unchanged with one way traffic in and out to the parking spaces which are located to the rear of the building.
5. The surface water drainage will remain unchanged.
6. There will be no changes to the utility service to the property.
7. Petitioner will, in all likelihood, discuss any advertising features with respect to the proposal with the Planning Department and would expect that any proposal made could be dealt with administratively by the Planning Department.
8. There will be no new machinery installed at the building.
9. All opened and closed spaces at the building will remained unchanged.
10. Petitioner has submitted a LEED's report of LAGRASSE YANOWITZ & FEYL with respect to LEED considerations with respect to the proposal as a part of its submission to the ARB.



400 MASS AVE
ARLINGTON

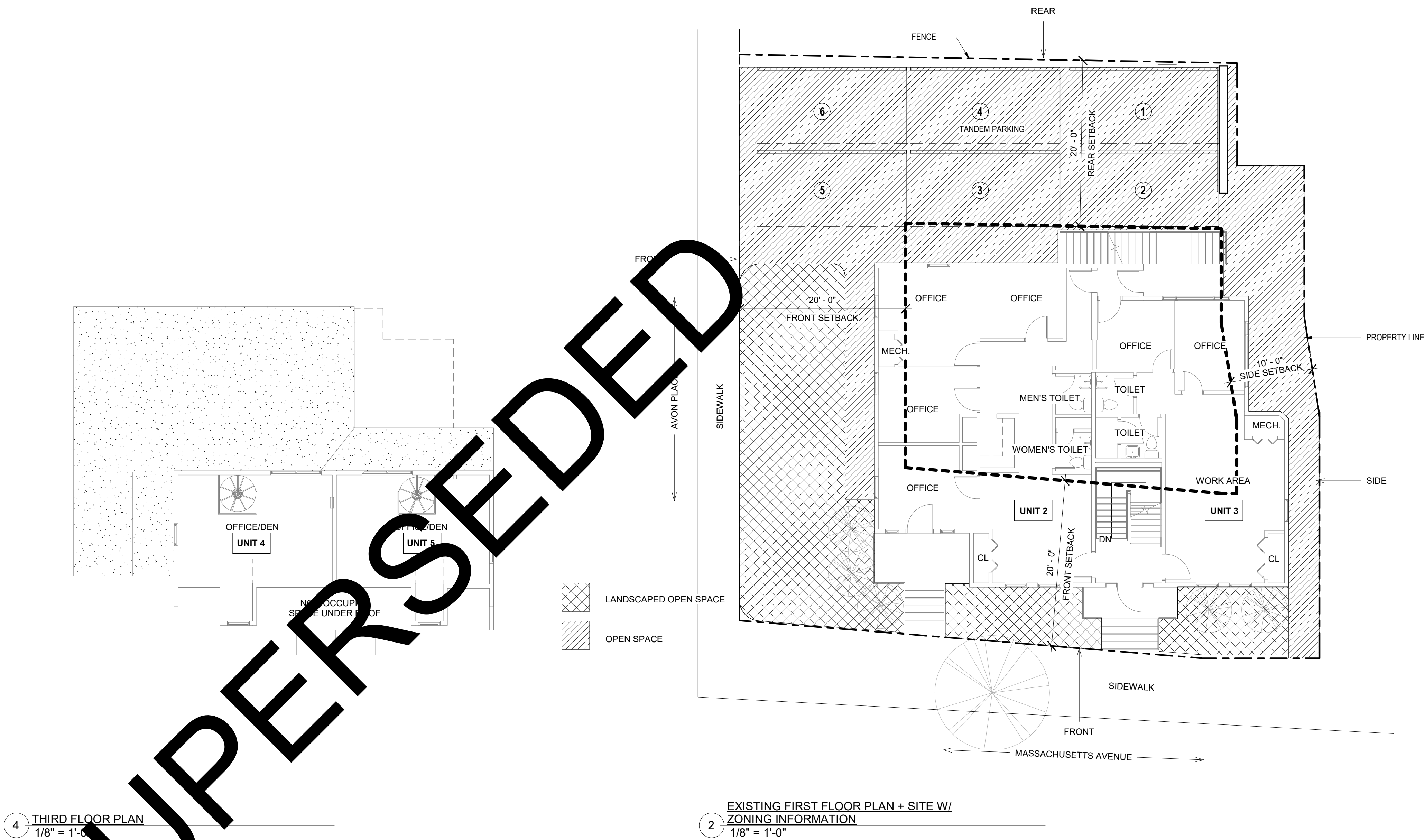
EXISTING FLOOR PLANS

Prepared for:
Location: Approver
Title

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Mark	Date
Revisions	
Date	01/14/2020
Scale	As indicated
Job No.	2876
Sheet No.	

A100



SUMMARY USE GROUPS			
FLOOR	UNIT	EXISTING	PROPOSED
BASEMENT	UNIT 1	BUSINESS	RESIDENTIAL 1 BEDROOM
1ST FLOOR	UNIT 2	BUSINESS	RESIDENTIAL 2 BEDROOM
1ST FLOOR	UNIT 3	BUSINESS	BUSINESS (NO CHANGE)
2ND FLOOR	UNIT 4	RESIDENTIAL 1 BEDROOM	RESIDENTIAL 1 BEDROOM (NO CHANGE)
2ND FLOOR	UNIT 5	RESIDENTIAL 1 BEDROOM	RESIDENTIAL 1 BEDROOM (NO CHANGE)
		2 BEDROOMS	5 BEDROOMS



LAGRASSE YANOWITZ & FEYL

ARCHITECTURE • LAND PLANNING
• CONSTRUCTION MANAGEMENT

ONE ELM SQUARE
ANDOVER | MA | 01810

T: 978.470.3675
www.LYFArchitects.com



400 MASS AVE
ARLINGTON

PROPOSED FLOOR PLANS

Prepared for:
Location: Approver
Title

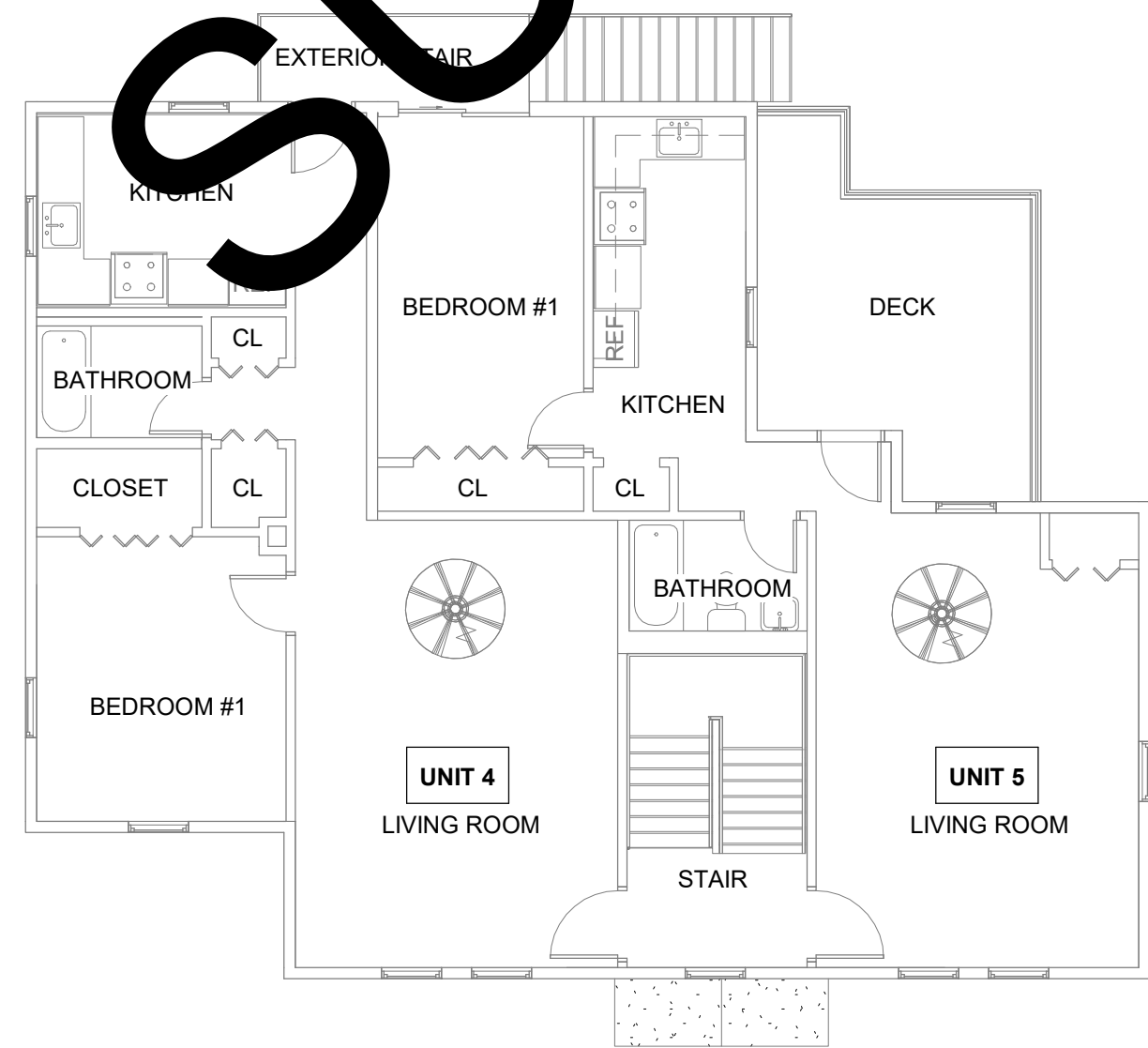
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Mark	Date
Revisions	
Date	05/28/2020
Scale	As indicated
Job No.	2876
Sheet No.	

A101

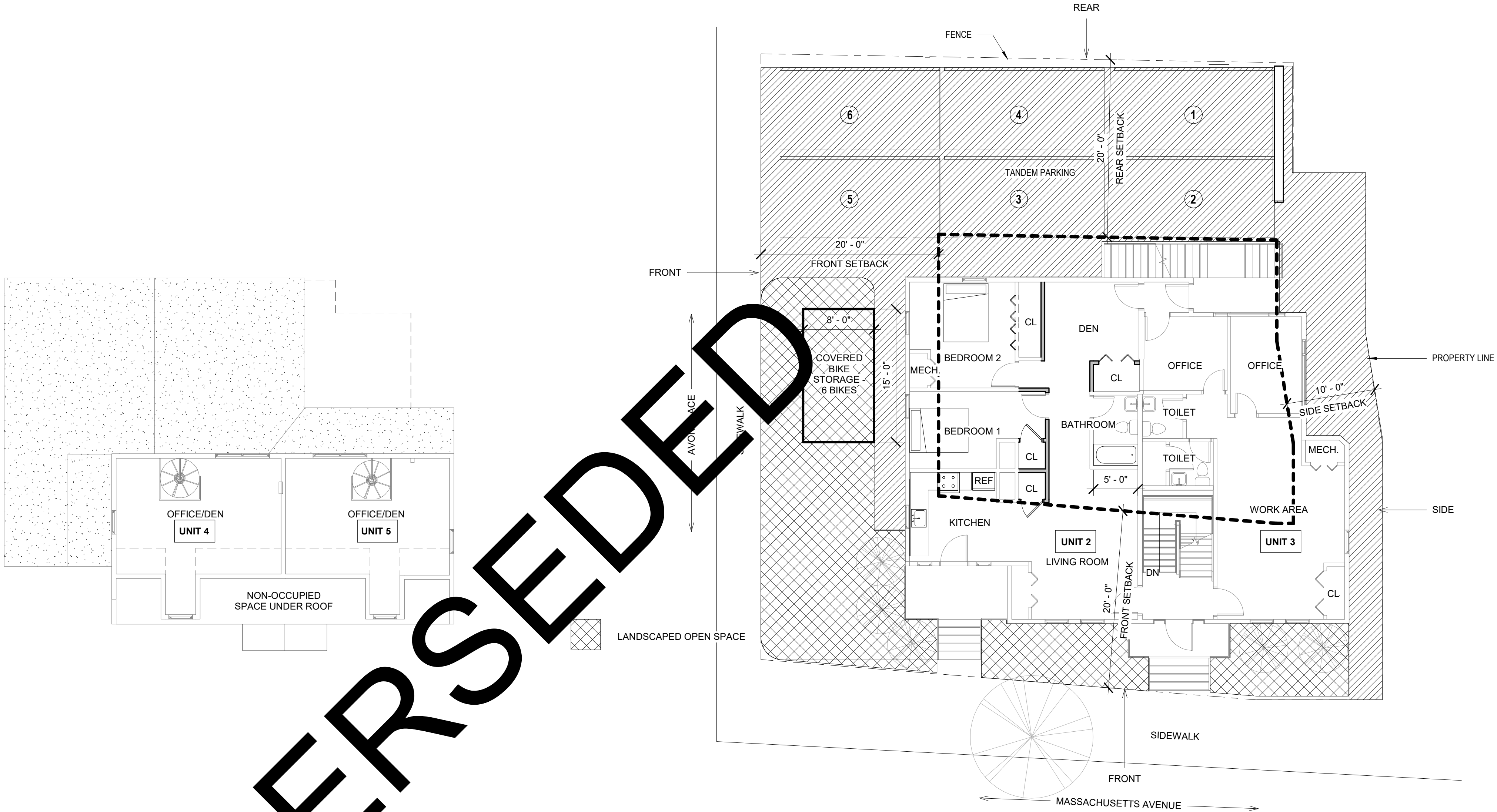
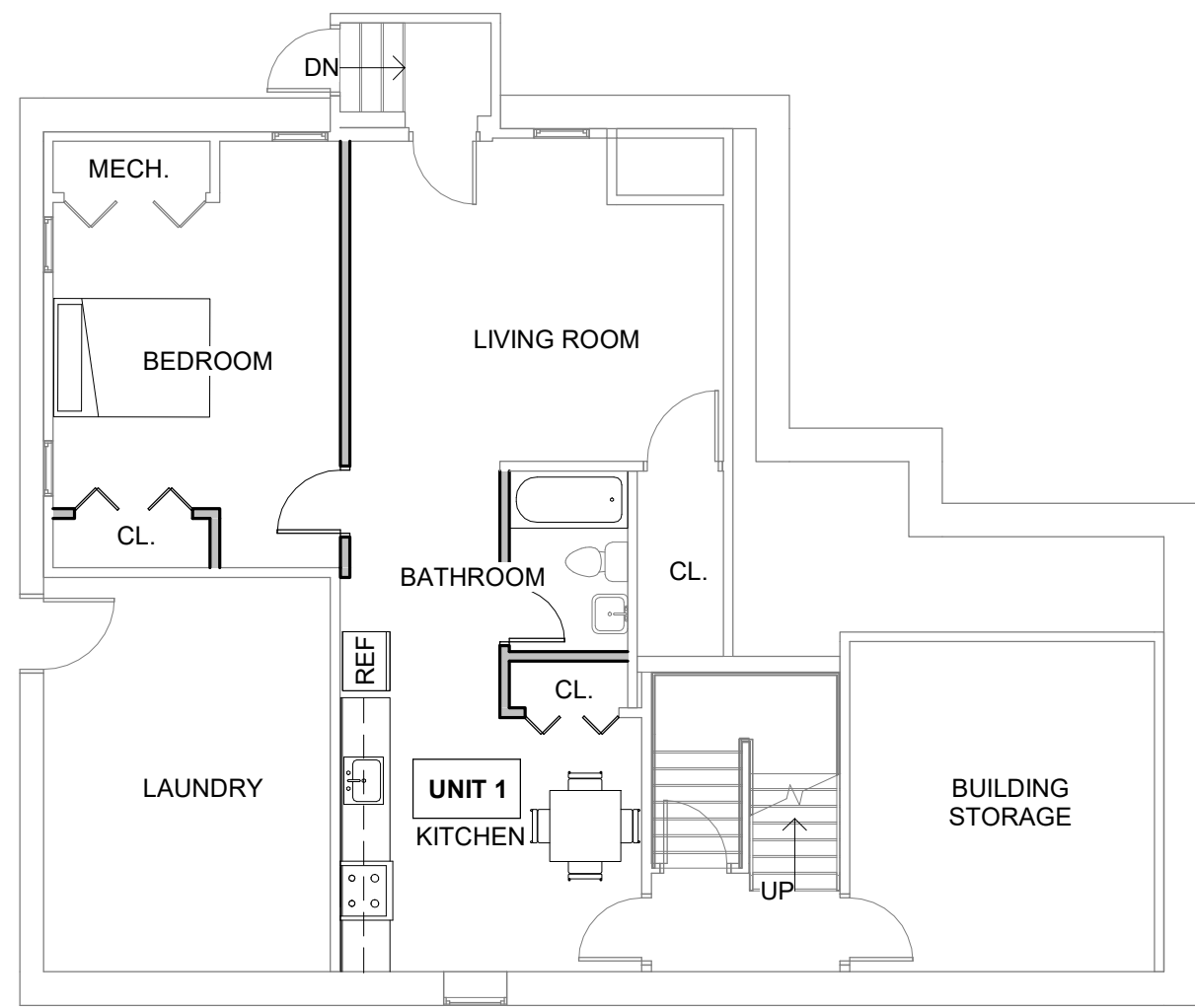
4 THIRD FLOOR PLAN (NO CHANGES)
1/8" = 1'-0"

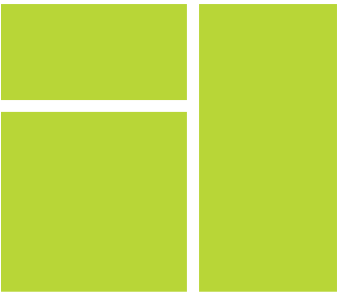


3 SECOND FLOOR PLAN (NO CHANGES)
1/8" = 1'-0"

2 PROPOSED FIRST FLOOR PLAN + SITE
W/ZONING INFORMATION
1/8" = 1'-0"

1 BASEMENT PLAN -PROPOSED
1/8" = 1'-0"





LAGRASSE YANOWITZ & FEYL

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+ CONSTRUCTION MANAGEMENT

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400 MASSACHUSETTS AVE. ARLINGTON, MA
BUILDING FACADE PHOTOS



400 MASS AVE – LEED CONSIDERATIONS

The improvements at 400-402 Massachusetts Avenue will look to incorporate the items below per 'LEED_v4.1_Residential_BD_C_Multifamily_Homes' to support the sustainable building practices goal in Arlington, MA.

LOW EMITTING MATERIALS

These materials are to be integrated to reduce concentrations of chemical contaminants that can damage air quality, human health, productivity, and the environment. Some of these building materials are as follows:

-Paints and Coatings

At least 75% of all paints and coatings, by volume or surface area, are to meet the VOC emissions evaluation AND 100% meet the VOC content evaluation.

-Adhesives and Sealants

At least 75% of all adhesives and sealants, by volume or surface area, are to meet the VOC emissions evaluation AND 100% meet the VOC content evaluation.

-Flooring

At least 90% of all flooring materials (carpet, ceramic, vinyl, rubber, engineered, solid wood, laminates), by cost or surface area, is to meet the VOC emissions evaluation OR inherently non emitting sources criteria, OR salvaged and reused materials criteria.

INDOOR AIR QUALITY

The LEED objective is to establish better quality indoor air in the building after construction and during occupancy. Before each dwelling unit is occupied, air cleaning, a flush-out with a recirculating HEPA Air Filtration Device, and air testing in the unit to Demonstrate that 10 micron particles do not exceed 8 µg/m3 should be performed.

ACCESS TO QUALITY TRANSIT

Functional entry is located within ¼ mile walking distance to existing bus stop.

ENVIRONMENTALLY PREFERABLE PRODUCTS

At least 70% of each new compliant building component (floor covering, insulation, framing/structural systems, drywall, doors cabinets, countertops and/or interior trim), by weight or volume, will aim meet one of the requirements below:

The product contains at least 25% reclaimed material, including salvaged, refurbished, or reused materials. For renovation projects, existing components are considered reclaimed. Wood by-products can be counted as reclaimed material. These include items from secondary manufacturers; felled, diseased, or dead trees from urban or suburban areas; orchard trees that are unproductive and cut for replacement; and wood recovered from landfills or water bodies.

The product contains at least 25% postconsumer or 50% pre consumer content.



Wood products must be Forest Stewardship Council (FSC) Certified, or USGBC-approved equivalent.

Bio-based materials. Bio-based products must meet the Sustainable Agriculture Network's Sustainable Agriculture Standard. Bio-based raw materials must be tested using ASTM Test Method D6866 and be legally harvested, as defined by the exporting and receiving country. Exclude hide products, such as leather and other animal skin material.

Concrete that consists of at least 30% fly ash or slag used as a cement substitute.

Extended producer responsibility. Products purchased from a manufacturer (producer) that participates in an extended producer responsibility program or is directly responsible for extended producer responsibility.

WATER USE REDUCTION

The project will seek to reduce aggregate water consumption by 20% from the baseline for each new fixture (toilets, showerheads, dishwashers, etc.)

MINIMUM ENERGY PERFORMANCE

For new dwelling units, heating and cooling systems will look to meet the following equipment selection sizing guidelines, or next nominal size:

Cooling Equipment:

Single-Speed Compressor: 90-130% of total heat gain

Two-Speed Compressor: 90-140% of total heat gain

Variable-Speed Compressor: 90-160% of total heat gain

Heating Equipment:

100-140% of total heat loss AND energy performance compliance.

SUPERSEDED



LEED v4 for BD+C: Core and Shell

Project Checklist

Project Name: 400 Mass Ave Apartments - Arlington, MA

Date: 10/9/2020

Y ? N

			Credit	Integrative Process	1	
0	2	0	Location and Transportation			20
			Credit	LEED for Neighborhood Development Location	20	
			Credit	Sensitive Land Protection	2	
			Credit	High Priority Site	3	
			Credit	Surrounding Density and Diverse Uses	6	
	1		Credit	Access to Quality Transit	6	
	1		Credit	Bicycle Facilities	1	
			Credit	Reduced Parking Footprint	1	
			Credit	Green Vehicles	1	

0	0	0	Sustainable Sites			11
Y			Prereq	Construction Activity Pollution Prevention	Required	
			Credit	Site Assessment	1	
			Credit	Site Development - Protect or Restore Habitat	2	
			Credit	Open Space	1	
			Credit	Rainwater Management	3	
			Credit	Heat Island Reduction	2	
			Credit	Light Pollution Reduction	1	
			Credit	Tenant Design and Construction Guidelines	1	

0	1	0	Water Efficiency		1
Y			Prereq	Outdoor Water Use Reduction	Required
Y			Prereq	Indoor Water Use Reduction	Required
Y			Prereq	Building-Level Water Metering	Required
			Credit	Outdoor Water Use Reduction	2
	1		Credit	Indoor Water Use Reduction	6
			Credit	Cooling Tower Water Use	2
			Credit	Water Metering	1

0	0	0	Energy and Atmosphere			33
Y			Prereq	Fundamental Commissioning and Verification	Required	
Y			Prereq	Minimum Energy Performance	Required	
Y			Prereq	Building-Level Energy Metering	Required	
Y			Prereq	Fundamental Refrigerant Management	Required	
			Credit	Enhanced Commissioning	6	
			Credit	Optimize Energy Performance	18	
			Credit	Advanced Energy Metering	1	
			Credit	Demand Response	2	
			Credit	Renewable Energy Production	3	
			Credit	Enhanced Refrigerant Management	1	
			Credit	Green Power and Carbon Offsets	2	

0	3	0	Materials and Resources		14
Y			Prereq	Storage and Collection of Recyclables	Required
Y			Prereq	Construction and Demolition Waste Management Planning	Required
			Credit	Building Life-Cycle Impact Reduction	6
	1		Credit	Building Product Disclosure and Optimization - Environmental Product Declarations	2
			Credit	Building Product Disclosure and Optimization - Sourcing of Raw Materials	2
	1		Credit	Building Product Disclosure and Optimization - Material Ingredients	2
	1		Credit	Construction and Demolition Waste Management	2

0	5	0	Indoor Environmental Quality			10
Y			Prereq	Minimum Indoor Air Quality Performance		Required
Y			Prereq	Environmental Tobacco Smoke Control		Required
	2		Credit	Enhanced Indoor Air Quality Strategies		2
	3		Credit	Low-Emitting Materials		3
			Credit	Construction Indoor Air Quality Management Plan		1
			Credit	Daylight		3
			Credit	Quality Views		1

0	0	0	Innovation		6
			Credit	Innovation	5
			Credit	LEED Accredited Professional	1

0	0	0	Regional Priority		4
			Credit	Regional Priority: Specific Credit	1
			Credit	Regional Priority: Specific Credit	1
			Credit	Regional Priority: Specific Credit	1
			Credit	Regional Priority: Specific Credit	1

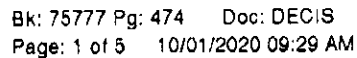
0	11	0	TOTALS			Possible Points:	110
Certified: 40 to 49 points, Silver: 50 to 59 points, Gold: 60 to 79 points, Platinum: 80 to 110							

TTS JUL 17 02:11:41

1. *Phragmites* (common)

1. *Phragmites* (common)

1. *Phragmites* (common)



Docket Number 3624

Docket Number 3624

Title reference:
Book 70704, Page 49

HEARING DATE: June 23, 2020
DECISION: June 23, 2020

Date of Issue **SEPTEMBER 29, 2020** Town Clerk

Robert J Annesse
1171 Massachusetts Ave
Arlington. Mo - 62476

STATEMENT OF PROCEEDINGS

The Petitioner seeks to amend the existing Special Permit issued in Docket No. 2306 on April 9, 1980 in order to allow the Redevelopment Board to review the proposed application for a mixed use development at the 400-402 Massachusetts Avenue real estate.

Some of the conditions of the existing Special Permit would need to be waived and jurisdiction transferred to the Arlington Redevelopment Board as the property being located on Massachusetts Avenue comes within the jurisdiction of the Arlington Redevelopment Board under Environmental Design Review.

The property is located in a B1 Zoning District.

Legal notice was provided in the Arlington Advocate for two (2) consecutive weeks, with the notice indicating that a hearing would be held on Tuesday, June 23, 2020 by way of Zoom Hearing due the COVID-19 Pandemic Crises with the hearing commencing at 7:30 p.m.

The Board was in receipt of the following:

1. Plans showing conversion of the property consisting of A100 and A101;
2. A photograph compilation of the property;
3. An e-mail dated December 17, 2019 from the Planning Department to Robert J. Annese indicating their position with respect to the conversion of the property to one office and four residential units;
4. Memorandum of Fact and Law submitted by Attorney Robert J. Annese;
5. Prior Zoning Board of Appeals Decision, Docket #2306; and
6. Memorandum from the Planning Department from the Town from Jennifer Raitt, Director, Department of Planning and Community Development dated June 17, 2019

In addition, the Board was in receipt of the following correspondence from the public:

- E-mail from Chris Loreti to Christian Klein, Chair of the Zoning Board of Appeals, "Correction: Docket 3624, 400-402 Massachusetts Avenue", dated June 19, 2020.
- E-mail from Chris Loreti to Christian Klein, Chair of the Zoning Board of Appeals, "Additional Comments: Docket 3624, 400-402 Massachusetts Avenue", dated June 22, 2020.
- E-mail from Chris Loreti to Christian Klein, Chair of the Zoning Board of Appeals, re Additional Comments: Docket 3624, 400-402 Massachusetts Avenue, dated June 23, 2020.
- E-mail from Patricia Worden to Christian Klein, Chair of the Zoning Board of Appeals, "hearing, 400-402 Massachusetts Av.", dated June 23, 2020.

The evidence introduced at the hearing indicated that the 1980 Zoning Decision provided that there be no more than two (2) apartments developed on the site and that there be at least one (1) onsite parking space per dwelling unit to be set aside for apartment tenants and that the entrance to the basement space be from the front of the building with an open stairway leading down from the inside entrance and clearly marked as to how to enter the basement.

Petitioner now seeks to amend that Special Permit in accordance with the new mixed use bylaw for the Town requesting that the building be allowed to have one (1) office unit and four (4) residential units in accordance with the plans submitted with its zoning application and that the requested relief be transferred to the Arlington Redevelopment Board since the ARB has the primary jurisdiction to hear the appeal.

The property contains 4,756 square feet and is nonconforming with respect to the terms of the present zoning bylaw with regard to front yard setback, side yard setback and there is no useable open space.

There are presently two (2) parking spaces at the property and Petitioner proposes a total of six (6) parking spaces while the required parking spaces would be 6.1 parking spaces in accordance with the zoning bylaw.

The Petitioner's evidence during the course of the Hearing indicated that the relief sought before the ARB related to a Special Permit issued by the Zoning Board on April 9, 1980 in Docket No. 2306 in accordance with Section 5-26 (Districts and Uses) of the Zoning Bylaw.

The Zoning Board's 1980 Decision limited the number of apartments in the structure to two (2). Since the date of the prior decision the Zoning Bylaw has been amended to allow for a mixed use development in the B1 Zoning District in which the property is located.

The evidence introduced by Petitioner indicated that Petitioner's requested relief relates to an increase in the number of allowable residential units in the building from two to four with the intent to maintain one office unit.

The total gross floor area (GFA) would remain the same.

The structure is non-conforming with respect to the Zoning Bylaw's lot size, floor area ratio, lot area per dwelling, front, side yards depths, usable open space and parking space minimum requirements contained in the Bylaw.

As a result of the increase in the requested number of residential units, the proposal would increase the non-conformity to the lot area per dwelling unit by reducing it from 2032 square feet per unit to 921 square feet per unit.

Petitioner proposes an increase in the number of parking spaces to six, which would meet the 1980 Special Permit's requirements of one parking space per one bedroom residential unit.

Petitioner indicated that if there is any increase in the number of bedrooms per unit, then the Petitioner, at the time of the Hearing before the ARB could request a parking reduction in the mixed use district subject to a "Transportation Demand Management Plan" (TDM).

FINDINGS OF FACT AND DECISION OF THE BOARD

The Board finds that amending the existing Special Permit (Docket #2306, issued April 9, 1980) to allow the Arlington Redevelopment Board to openly and fully review a proposed application for mixed use on the property is appropriate. The Board finds that the original conditions for granting the Special Permit can be reconsidered during Environmental Design Review under Section 3.4 of the Zoning Bylaw and should be withdrawn in the event that the Redevelopment Board finds that the Special Permit Decision Criteria of Sections 3.3.3 and 3.4 would be met by the mixed-use proposal. In addition, the Board finds that if a proposed application for mixed-use is not approved by the Redevelopment Board, the existing use of the property continues to be appropriate, and the 1980 Special Permit conditions should remain in effect.

The applicant seeks to amend the current special permit for this use in order to allow for a mixed-use development under the Zoning Bylaw. Under Section 3.4.2A and G the special permit "shall be acted upon by in accordance with the environmental design review procedures and standards of this Section 3.4." This Board does not have the authority to issue a special permit that would authorize the applicant's project. Indeed, if the property were not already subject to a special permit issued 30 years ago for a different use, the applicant would have filed its request for a Special Permit with the Redevelopment Board and we would not have been involved at all.

The property is, however, subject to an existing Special Permit that allows for two apartments and three offices on the site and makes provision for parking spaces for the dwelling units, entrances to the offices, and lighting and mechanical ventilation for basement offices. Refer to "In the matter of Frank Pacuito, Docket No. 2306 Opinion of the Board", dated April 9, 1980. This Special Permit is under the continuing jurisdiction of the Zoning Board of Appeals. If it remained in effect, and if the Redevelopment Board granted a Special Permit for the use that the applicant proposes today, the property would be subject to conflicting conditions.

Under the Zoning Bylaw, the Redevelopment Board is the Special Permit Granting Authority for this site and proposed use. It has the final say on whether the proposed project is consistent with the provisions of the Zoning Bylaw relating to Special Permits. Certainly the two Boards should not engage in duplicative review, particularly because approval of the application may involve discretionary conditions that must be prescribed by one board or the other.

The Redevelopment Board will, of course, grant a special permit only after finding that all applicable decision criteria have been met. If the Redevelopment Board approves the project, then the four conditions of the 1980 Special Permit must be withdrawn to avoid conflicting requirements. If the Redevelopment Board rejects the proposed project, then the Board of Appeals considers continuation of the current use under 1980 Special Permit's conditions to be appropriate. In order to facilitate review of the applicant's proposal by the Redevelopment Board, the jurisdiction of the Zoning Board of Appeals must be suspended during the pendency of proceedings before the Redevelopment Board.

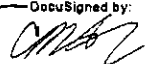
At the close of the Hearing, the Board voted unanimously to grant the Petitioner's request to amend the existing Special Permit (Docket #2306, issued April 9, 1980) with the following conditions:


- 1. Pending the issuance of a Special Permit under Environmental Design Review by the Arlington Redevelopment Board, the four conditions set forth in the original decision are withdrawn.**

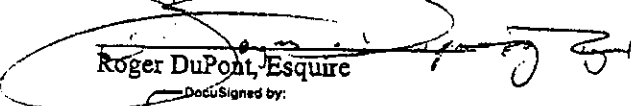
2. Pending the issuance of a Special Permit under Environmental Design Review by the Arlington Redevelopment Board, the Zoning Board of Appeals shall terminate jurisdiction with respect to the original Special Permit grant.
3. Should the Applicant fail to secure a Special Permit from the Arlington Redevelopment Board, the above conditions are null and void, and the existing Special Permit shall remain in full force and effect.


The Inspector of Building is hereby notified that he is to monitor the site and should proceed with appropriate enforcement procedures at any time he determines that violations are present. The Inspector of Buildings shall proceed under Section 3.1 of the Zoning Bylaw of the Town of Arlington, Massachusetts and the provisions of Chapter 40A Section 21D of the Massachusetts General Laws, and institute non-criminal complaints. If necessary, the Inspector of Buildings may also approve and institute appropriate criminal action, also in accordance with Section 3.1.


The Board hereby makes a detailed record of all its proceedings relative to this appeal; sets forth the reasons for its decision and finding; directs that this record be filed in the office of the Redevelopment Board and in the office of the Town Clerk and shall be a public record, and that notice of this decision be made forthwith to each party in interest. Appeals to this decision, if any, shall be made pursuant to Section 17 of the Zoning Act (Massachusetts General Laws, Chapter 40A), and shall be filed within twenty days after the date of filing of such decision in the Office of the Town Clerk.

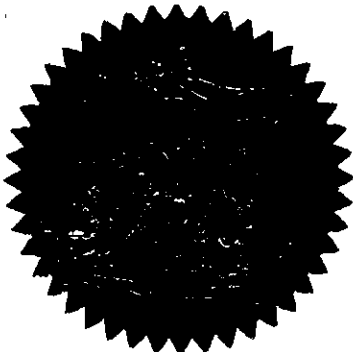
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 Christian Klein RA, Chair

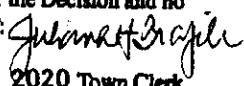
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 Patrick Hanlon, Vice Chair


 Roger DuPont, Esquire

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 Kevin Mills

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 Stephen Revilak



I hereby certify this is a True Copy of the Decision of the Arlington Zoning Board of Appeals as filed with the Office of the Town Clerk of the Town of Arlington, Massachusetts on JULY 17, 2020 and that 20 days have elapsed after the Decision and no Appeal has been filed. ATTEST: 

Date of Issue SEPTEMBER 29, 2020 Town Clerk

OPINION OF THE BOARD

This is an application by Frank Pacuito of Winchester for Special Permit pursuant to Section 5.04 (Use Regulations) Section 8.11 (Municipal Parking Lots) and Section 8.12 (Parking and Loading Space Standards) of the Zoning By-Law for the Town of Arlington. Hearing was held on March 25, 1980 after statutory notice. No one opposed the application. Mr. Pacuito was represented by Atty. Richard Keshian of Arlington.

The Department of Planning & Community Development recommended granting Special Permits.

FINDINGS OF FACT

1. The applicant owns the property located at 400-402 Massachusetts Avenue, Arlington which lies within the B1 Zoning District.
2. Building on the property was damaged by fire in 1978 and applicant plans to renovate for combined office and apartment use.
3. Building will when renovated consist of two-one bedroom apartments on the second floor, two professional offices on the first floor and one professional office in a portion of the basement.

The building has been an eyesore and a blight on the Town for several years since damaged by fire and has become a veritable dumping ground for various types of debris.

The Board feels that conditions for granting a Special Permit have been established by the petition.

DECISION

Accordingly, the Board unanimously votes to grant the Special Permit with certain conditions.

1. No more than two apartments are developed on the site.
2. At least one on-site parking space per dwelling unit is set aside for apartment tenants.
3. Entrance to basement office be from front of building with open stairway leading down from front inside entrance and clearly marked as to how to enter basement office.
4. All basement offices must have outside lighting and mechanical ventilation.

The Board hereby makes a detailed record of all its proceedings relative to this petition; sets forth the reasons for its decisions and its findings; directs that this record be filed in the Office of the Town Clerk and shall be a public record and that notice of this decision be made forthwith to each party in interest.

TOWN OF ARLINGTON
APR 10 1980
PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT



TOWN OF ARLINGTON
MASSACHUSETTS 02174
643-6700
DEPARTMENT of PLANNING and
COMMUNITY DEVELOPMENT

MEMO TO: Zoning Board of Appeals

FROM: Dept. of Planning and Community Development

DATE: March 25, 1980

SUBJECT: Docket No. 2306 - 400-402 Massachusetts Avenue

The Department of Planning and Community Development has reviewed the petition of Frank Pasciuto to rennovate the property at 400-402 Massachusetts Avenue for combined office and apartment use, or alternatively for office use only. The building, which was damaged by fire in 1978, is noted in the Mill Brook Valley Historic Survey along with the adjoining property as follows:

400-2 William Clark House. Federal, 1977

The home of several generations of the Clark family, this house is now much altered by a coat of stucco and the loss of its original doorway and window details; but it retains its handsome proportions and central location at the foot of Franklin Street, which was constructed some years after the house itself was built. In the 1920's it housed a small candy factory and shop.

404 Carriage shop. Federal, 1799 or later

This structure was the shop of Wm. Clark & Co., harness makers and carriage trimmers and painters. It has been greatly altered and converted into a multi-family dwelling, but in its relationship to the William Clark House it still reminds us of the close union of a 19th century family's craft industry to their home life.

This property in the B1 zoning district contains 4,588 square feet of land.

For mixed office and residential uses, special paints would be required under Section 5.04, Use 6.22 (Offices in building constructed as residence), and Use 8.19 (accessory apartments). Complete office use would still require a special permit under Use 6.22. Either alternative would require a special permit under 8.11 or 8.12(n) for

one parking space. It is this department's understanding that the owner prefers the mixed-use alternative.

The special permits for both alternatives under Section 5.04 are evaluated according to Section 10.11 as follows:

1. The uses requested are listed in the Table of Use Regulations
2. Office and apartment uses are in demand and will contribute to Arlington's economy, and to the serious undersupply of housing.
3. Located on Massachusetts Avenue, the requested uses under either alternative will not create undue traffic congestion. Access to the site is further facilitated by its corner location which permits cars to enter and exit from the side street, rather than directly onto Massachusetts Avenue. Regarding parking, each alternative requires five parking spaces calculated as follows:

Office Plus Apartments

Bsmt. gfa = 260 s.f.
 1st Fl. gfa = 1654 s.f.
1914 s.f.-g.f.a.

Office parking is $1914/750 = 2.55$ spaces
 Apartment parking is $2 \times 1.15^* = 2.30$
 spaces for a total of 4.85 spaces

Offices Only

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3408 s.f.
 Parking required is
 $3408/750$, or 4.53 spaces

* Assumes 2 one-bedroom apartments

Since fractions of spaces are rounded off in accordance with Section 8.04, both alternatives require five spaces. The site plan indicates expansion of the existing parking area from two-to four spaces. Thus one more space is required.

It is not recommended that a 20 percent reduction in spaces be granted by special permit under Section 8.12(n) since the parking standard for office space is not stringent; thus, the small overall requirement for only five spaces should closely approximate, or be slightly less than actual parking demand.

Substitution of one space within a municipal parking lot is warranted provided it is office parking. Office visitor parking is short-term (one- to two hours); whereas residential parking is long-term including overnight. Municipal parking in the area, such as the Broadway Plaza, is short-term and thus would not work as residential parking. It should be noted that the Broadway Plaza and the Russell Common lots are 350 ft. and 900 ft. respectively from the site; therefore, they are within the 1,000 feet required by Section 8.11.

4. The requested use on a previously developed lot will not overload any utility or drainage system.
5. Article 11 does not apply.
6. The requested use will not impair the character of the district provided there are not more than two apartments on this small lot. Use 8.19 allows up to three accessory apartments in accordance with the residential standards for the district. For the B1 district, each dwelling unit requires 2,500 square feet of lot area. Therefore, the density control in this situation restricts the number of apartments to two. Office use is ideally suited for this site which is in a transition area between the Central Business District and residential neighborhoods. The office/apartment mixture duplicates the building's use prior to the 1978 fire when a dentist was on the first floor and there were apartments above.
7. The proposed offices and apartments will, in fact, bring back a previous use to this neighborhood, and as such will not create an excess of such uses.

In conclusion, the Department recommends that the special permit be granted under Section 5.04, Use 6.22 and 8.19; and under Section 8.11 for parking, with the following conditions:

1. No more than two apartments are developed on the site.
2. At least one on-site parking space per dwelling unit is set aside for apartment tenants if the building includes apartments.

JMB/md

B1 ^{4,605}
~~4,500~~ sq ft level
5 units / 2 apts
8 rooms



BOARDS OF APPEALS

Town of Arlington

Arlington, Massachusetts 02174

Planning
Docket 2306

643-6700

TOWN OF ARLINGTON
MAR 17 1980

LEGAL NOTICE

Notice is herewith given in accordance with the provisions of Section 10.10,e,3 of the Zoning By-Law that there has been filed by Frank Pasciuto of Winchester, Massachusetts on February 28, 1980 a Petition seeking permission to use the premises located at 400-
402 Massachusetts Avenue, Arlington, Massachusetts for mixed residential (second floor) and offices (basement and first floor) or in the alternative, all office use. Said proposal would require a Special Permit from Zoning By-Law under Section 5.04 (Use Regulations) Paragraph 6.22 and Paragraph 8.19 and Section 8.11 (Municipal Parking Lots) and Section 8.12 (Parking and Loading Space Standards) Paragraph N of the Zoning By-Law for the Town of Arlington.

Hearing in regard to the said Petition will be held in the Hearing Room, located on the second floor of the Robbins Town Hall, Arlington, Massachusetts on Tuesday evening, March 25, 1980 at 8:30 O'Clock P.M.

ZONING BOARD OF APPEALS

Harold C. Knight
Secretary

Docket 2306 400-402 Mass. Ave.

Calculate GFA From Floor Plans

$$\text{First Floor } 38.75 \times 49.7 = 1920$$

$$\text{Less: } 14 \times 12 = 144$$

$$4 \times 12.5 = 50$$

$$4.7 \times 15.25 = 72$$

$$\underline{266}$$

$$1920$$

$$\underline{-266}$$

$$1654$$

$$\text{Total-1st. Floor GFA} = 1654 \#$$

$$\text{Basement } 17.5' \times 15' = 260 \#$$

$$\text{Second Floor } 38.75 \times 49.7 = 1920$$

$$\text{Less: } 12 \times 12 = 144$$

$$10.8 \times 17.2 = 186$$

$$4.7 \times 20.4 = 96$$

$$\underline{426}$$

$$1920$$

$$\underline{-426}$$

$$1494 \#$$

$$\text{Total-2nd Floor GFA} = 1494 \#$$

$$\text{For First+Second, } \approx 3100 \# ;$$

$$\text{Lot Area} = 4588, \text{ S.F.}$$

$$\text{Max Number of dwelling units} = 4588 / 2500 \approx 2 \text{ units.}$$

Parking:

a.) All Office

$$\text{Bsmt. } 260$$

$$\text{1st } 1654$$

$$\text{2nd. } 1494$$

$$\underline{3408 \#}$$

b.) Mixed Office w/ Apts.

$$\text{Bsmt } 260$$

$$\text{1st. } 1654$$

$$1914 \# \div 750 = 2.55 \text{ spaces.}$$

$$\text{Pkg. demand} = 4.53 \text{ pkg. spaces}$$

2nd Floor Apts, Bath-1BR

$$2 \times 1.15$$

$$= 2.30 \text{ spaces.}$$

$$\underline{4.83 \text{ spaces.}}$$

92 of 126

S.P. 5.14, PG. 22 - Office i buildg originally residential

P8.19 - Up to 3 drs. - 2 units.

S.P. Sec. 8.11 - Substitute of spaces with ^{of principal lot} 1000' of ints.

8.12 (n) reduction of phy space to 80% of min char conditions ^{change} to the use
will reasonably justify reduction.



TOWN OF ARLINGTON

MASSACHUSETTS 02174

643-6700

DEPARTMENT of PLANNING and COMMUNITY DEVELOPMENT

MEMO TO: Zoning Board of Appeals

FROM: Dept. of Planning and Community Development

DATE: March 25, 1980

SUBJECT: Docket No. 2306 - 400-402 Massachusetts Avenue

The Department of Planning and Community Development has reviewed the petition of Frank Pasciuto to rennovate the property at 400-402 Massachusetts Avenue for combined office and apartment use, or alternatively for office use only. The building, which was damaged by fire in 1978, is noted in the Mill Brook Valley Historic Survey along with the adjoining property as follows:

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one parking space. It is this department's understanding that the owner prefers the mixed-use alternative.

The special permits for both alternatives under Section 5.04 are evaluated according to Section 10.11 as follows:

1. The uses requested are listed in the Table of Use Regulations
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3. Located on Massachusetts Avenue, the requested uses under either alternative will not create undue traffic congestion. Access to the site is further facilitated by its corner location which permits cars to enter and exit from the side street, rather than directly onto Massachusetts Avenue. Regarding parking, each alternative requires five parking spaces calculated as follows:

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Since fractions of spaces are rounded off in accordance with Section 8.04, both alternatives require five spaces. The site plan indicates expansion of the existing parking area from two-to four spaces. Thus one more space is required.

It is not recommended that a 20 percent reduction in spaces be granted by special permit under Section 8.12(n) since the parking standard for office space is not stringent; thus, the small overall requirement for only five spaces should closely approximate, or be slightly less than actual parking demand.

Substitution of one space within a municipal parking lot is warranted provided it is office parking. Office visitor parking is short-term (one- to two hours); whereas residential parking is long-term including overnight. Municipal parking in the area, such as the Broadway Plaza, is short-term and thus would not work as residential parking. It should be noted that the Broadway Plaza and the Russell Common lots are 350 ft. and 900 ft. respectively from the site; therefore, they are within the 1,000 feet required by Section 8.11.

4. The requested use on a previously developed lot will not overload any utility or drainage system.
5. Article 11 does not apply.
6. The requested use will not impair the character of the district provided there are not more than two apartments on this small lot. Use 8.19 allows up to three accessory apartments in accordance with the residential standards for the district. For the B1 district, each dwelling unit requires 2,500 square feet of lot area. Therefore, the density control in this situation restricts the number of apartments to two. Office use is ideally suited for this site which is in a transition area between the Central Business District and residential neighborhoods. The office/apartment mixture duplicates the building's use prior to the 1978 fire when a dentist was on the first floor and there were apartments above.
7. The proposed offices and apartments will, in fact, bring back a previous use to this neighborhood, and as such will not create an excess of such uses.

In conclusion, the Department recommends that the special permit be granted under Section 5.04, Use 6.22 and 8.19; and under Section 8.11 for parking, with the following conditions:

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JMB/md

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March 25, 1980

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JMB/md



Town of Arlington, Massachusetts

Potential Zoning Bylaw amendments for 2021 Annual Town Meeting continued discussion from December 9, 2020

Summary:

7:45 p.m.

This agenda item will include presentation and discussion about a proposal for energy efficient homes and two separate proposals for accessory dwelling units

Board members will continue discussion and may move to support advancement and filing of warrant articles

Pasi Miettinen will be provided time to discuss a proposed warrant article regarding energy efficient homes

ATTACHMENTS:

Type	File Name	Description
Reference Material	Agenda_Item_2A_memo_from_JR_regarding_potential_zoning_bylaw_amendments_for_2021_Annual_Town_Meeting_122220.pdf	Memo from JR regarding potential zoning bylaw amendments for 2021 Annual Town Meeting 122220
Reference Material	Agenda_Item_2B_-_Proposed_Zoning_Bylaw_Change_for_Spring_Town_Meeting_updated_12-2-20.pdf	Proposed Zoning Bylaw Change for Spring Town Meeting updated 12-22-20
Reference Material	Agenda_Item_2C_-_Zoning_proposal_for_ARB_discussion1.pdf	Zoning Proposal for ARB discussion
Reference Material	Agenda_Item_2D_-_Main_Motion_ADU_102120.pdf	Main Motion ADU 10 21 20
Reference Material	Agenda_Item_2E_-_ADU_Amendment_11-15-20_from_DPCD_on_behalf_of_the_ARB.pdf	ADU Amendment 11-15-20 from DPCD on behalf of the ARB



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

Memorandum

To: Arlington Redevelopment Board

From: Jennifer Raitt, Secretary Ex Officio

Subject: Potential Zoning Bylaw amendments for 2021 Annual Town Meeting

Date: December 22, 2020

Please accept this memo as an overview of potential zoning amendments for 2021 Annual Town Meeting. The Department of Planning and Community Development (DPCD) works with a number of groups and committees, as well as on planning processes, that often lead to recommendations for zoning amendments. The following describes the initiatives and articles we propose advancing to Town Meeting.

The Zoning Bylaw Working Group is working with RKG Associates to complete the Economic Analysis of the Industrial Zones. The work began in 2019, including a presentation and dialogue about the analysis and recommendations at prior ARB meetings. The department recommends that the Board file a warrant article to amend the zoning as recommended.

The DPCD is overseeing three other planning processes which will eventually include zoning recommendations. The Sustainable Transportation Plan Advisory Committee is in the process of completing the plan, Connect Arlington. The Metropolitan Area Planning Council (MAPC) is working with the Clean Energy Future Committee on a Net Zero Action Plan which will be completed in early 2021. The plan includes recommendations for energy efficiency and carbon reduction in the built environment and related to the transportation sector, as well as encouraging a clean energy transition. The plan includes clear metrics and measurements to achieve carbon reduction by 2050. Two zoning recommendations may be ready for 2021 Annual Town Meeting including the solar ready bylaw and a proposal for energy efficient replacement homes.

DPCD is also working with the Engineering division to meet regulatory requirements, improve local water quality, and maintain and recharge groundwater resources by incorporating green infrastructure practices into the Town's stormwater management program. We are achieving this

by working on updates to our Stormwater Bylaws. These bylaw updates are necessary in order for the Town to be compliant with the MS4 General Permit. Municipal separate storm sewer system (MS4) discharges are regulated under the General Permits for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems in Massachusetts effective July 1, 2018. Zoning amendments related to compliance with the new stormwater bylaw will be advanced to a future Town Meeting.

The Design Review Working Group worked with Harriman to prepare residential design guidelines for the R0, R1, and R2 districts and recommended a design review process. A presentation of the outcome of this project and next steps will be provided to Town Meeting.

The Arlington Heights Neighborhood Action Plan Implementation Committee began meeting in November. The committee continued working on implementing short-term, non-zoning recommendations. There will not be any zoning recommendations for 2021 Annual Town Meeting recommended by this committee.

The Housing Plan Implementation Committee will be facilitating a Town Meeting resolution to adopt a Real Estate Transfer Fee in order to collect a percentage of funds from any real estate transfers and deposit those funds into the newly-established Arlington Affordable Housing Trust Fund. If voted on affirmatively, this resolution would require a subsequent Home Rule Petition in order to become law.

The Marijuana Study Group will be reviewing an amendment to address newly adopted and revised Cannabis Control Commission regulations, including marijuana delivery.

Other potential zoning amendments for the 2021 Annual Town Meeting include the following administrative amendments deferred from 2020 Annual Town Meeting:

1. Adjust two year segmentation provision to three years re: special permits in IZ bylaw.
2. Add Apartment Conversion definition
3. Correct references to Board of Selectmen
4. August date in Section 5.4.2.B
5. Amend Section 5.3.22 to be consistent with half story definition
6. Adjust table in Section 5 - clarify how open space is calculated relative to gross floor area
7. Adjust table in Section 5 – clarify prohibited uses
8. Amend tables - add legends

Other zoning amendments include removing gendered terms (i.e., he/ his/him, Chairman) from the Bylaw and correcting the upper story building step back per 2016 ATM, as adopted.

Lastly, the Department recommends that the Board file an article to Re-adopt the Official Zoning Map.

Proposed Zoning Bylaw Change for Spring 2021 Town Meeting

12-22-20

Basis in Arlington's Clean Energy Future Committee's Net Zero Roadmap:

Net Zero Buildings measure NZB3: "Change zoning or other bylaws that hinder the renovation or construction of net zero energy capable homes. Create incentives to encourage renovation and new construction projects to result in net zero energy capable buildings."

Background and the reason for the proposed bylaw change:

The current Arlington zoning bylaw enables replacement homes to be built on non-conforming lots only if the replacement homes are built on top of the existing foundation and two walls of the existing building are left standing. On the other hand, existing conforming lots, for example typical R1 zoned lots with at least 50 feet of frontage and 5,000 square feet of area, do not have such a restriction and an old building can be replaced with a new building from the ground up. Because the frontage and size requirements vary between the R0, R1 and R2, the following will simply refer to conforming and non-conforming parcels rather than specify the differences between them.

Therefore, while the current bylaw allows new replacement homes to be built on non-conforming lots, it has effectively prohibited new insulated foundations on new replacement homes, and therefore prohibited the most energy efficient homes to be built because they require basements to be insulated from the exterior and from underneath.

The proposal below would change the bylaw to address this by allowing new replacement homes to be built on non-conforming lots as long as they meet very high energy efficiency standards (e.g. PHIUS+ 2015 Passive Building Standard). The proposed change would only affect existing residential buildings and would not enable any new lots to be created nor would it allow homes to be built if a lot currently does not have a principal building. In other words, it would not create smaller lots nor create more buildings in town. It would only allow existing buildings to be replaced with high efficiency buildings. The proposed change would also make Arlington homeowners on non-conforming lots equally eligible to conforming lot owners for certain federal and state incentives and tax credits that are only available for those who build high efficiency homes.

The proposed change is in line with previous precedent and there are two Arlington-specific amendments that relax the conforming lot definitions in the Arlington Zoning Bylaw. First, lots on certain streets are exempted from dimensional requirements even if they have just 2,400 square feet of area. Second, a new home can be built on empty non-conforming lots in the R0 district if those lots were registered on or before February 21, 1991. In addition, this proposal complements the recently adopted Fossil Fuel bylaw by including more buildings under its purview that would otherwise be exempted because many homes that are rebuilt on top of an existing foundation are currently exempted from the Fossil Fuel bylaw.

This proposed amendment is one of the most impactful carbon emissions reduction bylaw changes that The Town Meeting can pass because the current zoning bylaw prohibits very high efficiency buildings from being built on 30% to 40% of Arlington lots. Without this enabling legislation, The Town cannot meet its 2050 net zero carbon emission goal.

New zero emission zoning bylaw concept:

Under section 5-18 / B. Exceptions to Minimum Lot Area, Minimum Front Yard Lot Width, Frontage, Open Space, Side Yard, and Height Requirements in the R0, R1, and R2 Districts.

Proposed new exemption concept (e.g. 5-18/ B(8)):

Exemption for energy efficient homes on R0, R1 or R2 lots with an existing principal building. The lot minimum frontage and lot area requirements shall not apply to homes that are constructed to the higher efficiency standard of either PHIUS+ or the International Energy Conservation Code as adopted and amended by Massachusetts, and;

1. The new building is built within the existing foundation footprint, or with an addition that is not a Large Addition (as defined in 5-18/B.6), or
2. The lot has at least 6,000 square feet of area, or
3. By special permit.



Arlington

Removing zoning barriers to net zero energy homes

From the Arlington Clean Energy Future Committee's Net Zero Energy Action Plan:

Proposal for zoning bylaw change

12-22-20

The Clean Energy Future Committee (CEFC)

- Established by The Select Board
- The mission: guide the Town of Arlington to a future where, by 2050, net emissions of greenhouse gases attributable to all sources in Town are zero.
- The Committee is charged with identifying short and long-term energy goals; ...
[including] *recommending changes to laws and regulations*;...
- The CEFC endorsed the successful Fossil Fuel Bylaw that was passed overwhelmingly by the Town Meeting
- CEFC is recommending removal of a zoning barrier to efficient housing
 - Also enhances the Fossil Fuel Bylaw by making more buildings subject to it
 - Culmination of three years of discussions in other zoning studies, with the planning department and with The Town Manager

2050 Town greenhouse gas emission reduction goal

- Homes are the single largest source of emissions in Arlington
- To meet the goal: 100% of Arlington buildings have to reach net zero emissions by 2050
- This means ~400 buildings must reach net zero emissions **every year** between 2021 and 2050
- Available methods today:
 - Electrify buildings (e.g. Fossil Fuel Bylaw)
 - Deep energy retrofits of existing buildings
 - New net-zero ready buildings
 - And “Plus” homes that generate more energy than they consume



The issue & proposal in brief

- Many lots in Arlington are non-conforming
 - Non-conforming lots are not subject to the same energy efficiency requirements with regard to basements as conforming lots
 - Current bylaw does not allow to rebuild with a new foundation on a non-conforming lot
- The proposed bylaw change
 - Would create an exemption for construction on non-conforming lots with existing structures provided they meet certain high energy efficiency standards
 - Would **not** change current building size or dimensional rules for small lots, simply allows new foundations to be installed on homes that are already allowed to be built on top of existing foundations
 - Does **not** result in the division of existing lots or the addition of new homes to lots with existing principle structures

Why basement insulation matters

- “Heat loss from an uninsulated, conditioned basement may represent up to 50% of a home's total heat loss in a tightly sealed, well-insulated home.” – InterNACHI
 - Case study: Arlington homes are frequently re-built on top of a existing non-insulated foundation resulting in significant heat losses as well as water, mold and radon issues
- MA energy code requires insulated basements for new homes



International
Association of Certified
Home Inspectors®

<https://www.nachi.org/foundationinsulation.htm>

➤ Net zero energy or “plus” homes often cannot be built on top of existing, uninsulated foundations

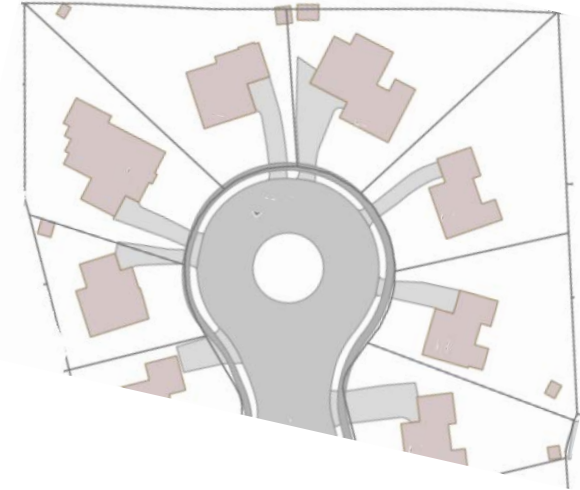
Proposed bylaw change concept

- Under section 5-18 / B. Exceptions to Minimum Lot Area, Minimum Front Yard Lot Width, Frontage, Open Space, Side Yard, and Height Requirements in the R0, R1, and R2 Districts.
- **Proposed new exemption concept (e.g. 5-18/ B(8)):**
Exemption for energy efficient homes on R0, R1 or R2 lots with an existing principal building. The lot minimum frontage and lot area requirements shall not apply to homes that are constructed to the higher efficiency standard of either PHIUS+ or the International Energy Conservation Code as adopted and amended by Massachusetts, and;
 1. The new building is built within the existing foundation footprint, or with an addition that is not a Large Addition (as defined in 5-18/B.6), or
 2. The lot has at least 6,000 square feet of area, or
 3. By special permit.

Large cul-de-sacs and irregular shape lots

- Identified 3%- 4% of lots with greater than 6,000 square feet of area, but minimum frontage below conforming limit
 - Est. fewer than 400 lots
 - Proposed to be treated the same as 6,000 sqft lots with conforming frontage length
- Examples:
 - Large cul-de-sac lots
 - Large irregular shape lots

Cul-de-sac example
8,000 to 10,000 sqft
45 feet of frontage



Irregular lot example
10,000 sqft
19 ft frontage



Comparison of existing and proposed bylaw

Existing lots with an existing principal building. Does not add new lots or buildings.

	Non-conforming lot	Proposed exemption to non-conforming lots
New home construction?	Allowed	Allowed
New foundation?	Not Allowed	Allowed
Buildable area: existing footprint & can expand floor area by up to 750 square feet	Currently allowed	No change
Addresses large cul-de-sac and large irregular lots	No	Yes
New fossil fuel bylaw applies	Possibly not. Only if >75% gross floor area is changed	Yes
Required to meet entire state energy code in full?	Only partially	Yes
Automatically tighter standards every 3 years?	No	Yes

- **Current bylaw result: increases divergence in emissions between buildings on conforming and non-conforming lots over time**
- **Arlington cannot meet its 2050 net zero emissions goal without addressing this topic**

Main Motion for Accessory Dwelling Units Article

Voted: that the zoning bylaw of the town of Arlington be amended by adding the text “to encourage housing for persons at all income levels and stages of life”;

to Section 1.2 Purposes, so that the section reads as follows:

The purpose of this Bylaw is to promote health, safety, convenience, morals and welfare of the inhabitants of the Town of Arlington; to lessen congestion in the streets; to conserve health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to encourage housing for persons at all income levels; to encourage housing for persons at all income levels and stages of life; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to protect and preserve open space as a natural resource, for the conservation of natural conditions for flora and fauna and to serve as urban amenity for scenic and aesthetic enjoyment and recreational use; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the Town; to achieve optimum environmental quality through review and cooperation by the use of incentives, bonuses and design review; and to preserve and increase its amenities and to encourage an orderly expansion of the tax base by utilization, development, and redevelopment of land. It is made with reasonable consideration to the character of the district and to its peculiar suitability for particular uses, with a view to giving direction or effect to land development policies and proposals of the Redevelopment Board, including the making of Arlington a more viable and more pleasing place to live, work, and play.

To add the following definition to Section 2.5 Definitions Associated with Dwelling:

Apartment Building: A multi-family building designed or intended or used as the home or residence of four or more households, each in a separate dwelling unit, living independently of each other and who may have a common right in halls and stairways.

Accessory Dwelling Unit: Four or more rooms constituting a self-contained accessory housing unit, inclusive of sleeping, cooking and sanitary facilities, on the same premises as the principal dwelling, subject to otherwise applicable dimensional requirements.

Dormitory: A dwelling, under the ownership or control of an educational, charitable or philanthropic organization which provides separate rooms or suites for the semipermanent occupancy of individuals or groups of up to four individuals per room, with common bath and toilet facilities and without individual cooking facilities.

To add the Accessory Dwelling Units as an “as of right” use.

5.4.2 Dimensional and Density Requirements

E. Accessory Dwelling Units in single-family dwellings and two-family dwellings in all Residential Districts shall:

1. maintain a separate entrance either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the State Building code and state Fire Safety code; and

2. not exceed 50% of the floor area of the principal dwelling.

5.4.3 Use Regulations for Residential Districts

Class of Use	R0	R1	R2	R3	R4	R5	R6	R7
Single family detached dwelling	Y	Y	Y	Y	Y	Y	Y	Y
<u>Accessory Dwelling Unit</u>	Y	Y	Y	Y	Y	Y	Y	Y

Accessory Dwelling Units

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

Amend SECTION 2 DEFINITIONS to add a definition for accessory dwelling unit:

Accessory Dwelling Unit: An accessory dwelling unit is a wholly-contained dwelling unit located within a single-family, two-family, or duplex dwelling existing as of January 1, 2021. The accessory dwelling unit is subordinate in size to the principal dwelling unit, and physically separated from it, with its own kitchen, bathroom, and two means of egress, and held under common ownership with the primary dwelling unit. See Section 5.9.2 for additional standards.

Amend SECTION 5.4.3. USE REGULATIONS FOR RESIDENTIAL DISTRICTS to include the use in the table of uses:

Class of Use	R0	R1	R2	R3	R4	R5	R6	R7
Accessory Uses								
<u>Accessory dwelling unit</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>

Amend SECTION 5.5.3. USE REGULATIONS FOR BUSINESS DISTRICTS to include the use in the table of uses:

Class of Use	B1	B2	B2A	B3	B4	B5
Accessory Uses						
<u>Accessory dwelling unit</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>

Create a new section, SECTION 5.9.2. ACCESSORY DWELLING UNITS, containing standards for accessory dwelling units:

5.9.2 Accessory Dwelling Units

- A. Accessory dwelling units are allowed within existing single-family, two-family, or duplex dwellings existing as of January 1, 2021. No more than one accessory dwelling unit is allowed per building.
- B. The lot area shall be at least the minimum required under Section 5 of the Zoning Bylaw.
- C. The gross floor area of an accessory dwelling unit cannot exceed 33% of the gross floor area of a single-family, two-family, or duplex dwelling as defined in Section 2. In no case shall the gross floor area of the accessory dwelling unit exceed 750 square feet.
- D. The accessory dwelling unit must be contained within the gross floor area of the principal dwelling existing, except for the addition of a second means of egress or other modification to meet the State Building Code. The principal dwelling unit shall not be otherwise expanded.
- E. The owner(s) of the structure in which the accessory dwelling unit is located must claim one of the dwelling units as their principal residence.
- F. No additional off-street parking spaces are required.
- G. The dwelling shall continue to be treated as a single-family, two-family, or duplex dwelling after the addition of the accessory dwelling unit.

Accessory Dwelling Units

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

- H. Prior to the issuance of a Certificate of Occupancy, the owner shall submit to the Building Inspector a notarized affidavit on a form provided by the Town signed under pains and penalties of perjury stating that the owner currently occupies one of the dwelling units on the premises as the owner's principal residence.
- I. When a dwelling containing an accessory dwelling unit is sold or otherwise conveyed, the Certificate of Occupancy for that accessory dwelling unit shall remain in force only if all requirements of this section continue to be met and the new property owner submits to the Building Inspector a notarized affidavit on a form provided by the Town, signed under the pains and penalties of perjury, stating that the new owner intends to occupy one of the units in the structure as their principal residence, and will continue to do so, except for temporary absences of up to 3 months in any 60-month period. The dwelling unit and accessory unit shall not be sold or otherwise conveyed separately.



Town of Arlington, Massachusetts

ARB pre-hearing process recommendation

Summary:

9:00 pm. Board will discuss suggested process for review of Warrant Article process

ATTACHMENTS:

Type	File Name	Description
▣ Reference Material	Agenda_Item_3_-_Suggestions_for_ARB_Review_11-02-20_(2).pdf	Suggestions for ARB Review 11-02-20

DRAFT : ARB Pre-Hearing Process

To: ARB Members and Jenny Raitt

From: Barbara Thornton, TMM, Precinct 16

RE: Suggested Draft Article Review Process to Avoid Complications

DATE: 11-2-2020

Dear Board Members,

As promised in my comments during your open forum on Monday, I am sending along my notes on suggested steps to avoid the complications that arose at last spring's Town Meeting around zoning articles, and again this year. I am proposing four sages of involvement and review by ARB members and staff.

Technical Stage: (Hearing minus 12 weeks)

- a. Assess and reconcile the proposed zoning articles with the current zoning law to determine basic issues and questions (ca. 12 weeks before hearing)
- b. Share results of this review with the petitioners, highlighting the results of the "reconciliation", related questions and concerns
- c. Lay out the technical "pathway" (from now to hearing) process for the petitioner, including an explanation of the definition and process for creating and deadline for receiving a "main motion".

Organizational Stage: (Hearing minus 6 weeks)

- a. ARB reviews all zoning related articles, with their draft "main motions" (ca. 6 weeks before hearing)
- b. ARB determines questions and concerns based on their reconciliation of the petitioner's article with the existing zoning code and with the newly provided "main motion".
- c. Share information with petitioner so that petitioner can respond with an edited "main motion" and with more information for the ARB.

Political Stage: (Hearing minus 3 weeks)

- a. The ARB Board members are not elected
- b. But the petitioner for the proposed article may be representing a political constituency as an elected official.
- c. Clarify in advance what kind of "community outreach" is considered valid by the ARB? What evidence of valid community outreach does the ARB require?

Personal Stage: (Hearing minus 1 week)

- a. Individual ARB members take time, both with staff and with the petitioner, to understand the issues around the article and its ramifications.
- b. Individually clarify concerns about the article in the context of one's ARB technical responsibilities vs. one's own personal preferences.
- c. Consider whether a negative vote reflects a real technical problem and not a personal preference. Take care that the vote does not block an opportunity for broader public dialogue on the article.

Goal: There should be no poorly crafted "main motions" or lack of clarity about how the petitioner's article reconciles with the existing zoning law by the time the article comes to the ARB Hearing.



Town of Arlington, Massachusetts

Correspondence Received

Summary:

Correspondence received from:

D. Seltzer 01-04-21

P. Worden 01-04-21

ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	Correspondence_received_from_D._Seltzer_01-04-21.pdf	Correspondence received from D. Seltzer 01-04-21
▢	Reference Material	Correspondence_received_from_P._Worden_01-04-21.pdf	Correspondence received from P. Worden 01-04-21

From: Don Seltzer <timoneer@gmail.com>
To: Jenny Raitt <jraitt@town.arlington.ma.us>, Erin Zwirko <EZwirko@town.arlington.ma.us>
Date: Mon, 4 Jan 2021 07:33:45 -0500
Subject: Docket 3625 - Protecting the Public Interest and Welfare

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To: Arlington Redevelopment Board

I wish to call the Board's attention to the situation existing at 882-892 Mass Ave. As you will recall, the Board granted a Special Permit for the redevelopment of this property a few months ago. Among the conditions of this Special Permit was that the Board would maintain "*continuing jurisdiction over this permit*" including taking such actions "*...as it deems appropriate in order to protect the public interest and welfare.*"

This is not the first time that the Board has been in such a position. In 2009, a previous Redevelopment Board granted a Special Permit to redevelop the auto dealership adjacent to the High School as a CVS store. The historic Atwood House, which was part of the parcel, was to be preserved. As stated as a special condition of the permit,

"The Atwood House shall remain at its present location on the site, and diligent efforts shall be used to maintain its present condition to prevent any damage from the elements or otherwise, until it is redeveloped."

There were also the usual stipulations regarding obeying town bylaws and snow removal from the adjacent public sidewalk.

For the next decade all of this was forgotten. The Atwood House was neglected, frequently broken into, and badly vandalized. It became not just an eyesore, but a public safety concern due to its use as a drug den. And for that decade, the sidewalk remained uncleared every winter. Pedestrians trying to reach the CVS store, bus stop passengers, and high school students often had to step out onto Mass Ave to get by.

It only came to the Redevelopment Board's attention a little over a year when CVS applied for a change of signage. Awakened to the fact that it still held jurisdiction over the property, the Board summoned the absentee owner of the Atwood House to explain the situation. There was a lot of hand-wringing, voiced regrets, but no consequences for the negligence.

The Board felt powerless to do anything at this late date. But now history is repeating itself, just two blocks away, right across from the High School. In Docket 3625, the Board granted a Special Permit for the redevelopment of the Toraya Block. It was presented to the Board that the site had suffered toxic contamination due to negligent behavior on the part of a past tenant and needed to be entirely demolished for remediation.

The proper course of action would have been for the developer to present a plan to the Arlington Health Department for the safe demolition of the building, taking into consideration not only the toxic contamination of the building and the soil, but also the asbestos present in the structure, and the likelihood of lead paint. Taken into account would be the adjacent residential properties and the high pedestrian traffic including school children. Once the Health Dept signed off on the plan it would go to Inspectional Services for the necessary permits. The Good Neighbor Agreement package would be sent to all abutters within 200 feet, at least a week before any demolition began, according to our bylaws.

None of that happened, and a public safety hazard was created instead. On October 26, the developer filed a notification with the State Department of Environmental Protection of its intention to remove asbestos from the interior of the building. It began this work the first week of November. The work went far beyond asbestos removal. It included significant exterior demolition of the roof top and gutting of interior walls. The debris from this demolition was simply piled up in the rear parking lot in several very large mounds and left unsecured. Much of this work occurred in the dark of night, well after legal working hours. No local permits were sought, nor was the Health Dept advised that it was taking place.



Piles of Debris



A Third Pile of Debris

Something went wrong with the demolition and parts of the front facade of the building began collapsing onto the front sidewalk by the bus stop. Town employees moved in quickly to secure the area with fencing.



Fenced Off Collapsing Facade

For the next month there was no observed activity on the site. The piles of unsecured debris were left in the parking lot, free to blow around. Inspectional Services was not very responsive to inquiries. Because no permits have been applied for, they redirected questions to the State DEP. The Health Dept was completely unaware of the situation until notified by residents in early December. Their response was to drive by the site and observe from the street. They did not contact the developer and have advised residents to redirect any questions to either ISD or the State DEP.

As a result of resident complaints about the situation, the Town Manager did task the acting assistant Town Manager with determining what was going on. The developer did eventually cart away at least three large dumpsters of debris. Several large steel drums with mystery contents remain. It is not known what was in the debris, nor when work will resume and the required demolition permits will be applied for. The neighbors remain in the dark and are still awaiting the required Good Neighbor Agreement notice.

Since early November the emergency fencing has remained up on the Mass Ave sidewalk with no indication of when the developer intends to make the building or sidewalk safe again. It took several years for the Atwood House to become a blighted eyesore and public safety hazard. The Toraya Block managed to reach that infamous status in just a few weeks.

And after each snow storm this year, the remaining sidewalk along the block has been left uncleared, forcing pedestrians, bus passengers, and students to once again step out onto Mass Ave to get by.



Three Days after the Storm

The Redevelopment Board retains jurisdiction over the site through the recent Special Permit and this time it has the leverage to do something about the problem. The developer appears before the Board this Monday evening (January 4) asking for another Special Permit. It is the Board's obligation to use this opportunity to question the developer and get some real answers as to what is happening at the Toraya Block site, the plans to correct it, and why town bylaws are being ignored. It is the Board's chance to redeem itself and not repeat the lapse of responsibility of a previous Board a decade ago.

The Board has the legal authority to impose additional conditions to "*protect the public interest and welfare*".

Don Seltzer

From: Patricia Worden <pbworden@gmail.com>
To: rzseembery@town.arlington.ma.us, klau@town.arlington.ma.us, dwatson@town.arlington.ma.us, ebenson@town.arlington.ma.us, keinstein@town.arlington.ma.us
Cc: Jenny Raitt <jraitt@town.arlington.ma.us>, james worden <jamesworden007@gmail.com>
Date: Sun, 3 Jan 2021 23:57:01 -0500
Subject: Testimony for ARB meeting Jan. 4, 2021

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Jan 4, 2021

Testimony for Arlington Redevelopment Board re Patti Miettinen's proposal and presentation

Dear Chairperson Zseembery and Members of the Board,

Patti Miettinen's proposal is extremely wasteful and could be environmentally damaging and unnecessary. For this reason I am presenting Testimony regarding:

Agenda Item 2 of the meeting on Jan 4 ARB.

Potential Zoning Bylaw amendments for 2021 Annual Town Meeting...Discussion about a proposal for energy efficient homes... Pasi Miettinen will be provided time to discuss a proposed warrant article regarding energy efficient homes.

Proposed Zoning Bylaw Change for Spring 2021 Town Meeting 12-22-20 Basis in Arlington's Clean Energy Future Committee's Net Zero Roadmap: Net Zero Buildings measure NZB3: "Change zoning or other bylaws that hinder the renovation or construction of net zero energy capable homes. Create incentives to encourage renovation and new construction projects to result in net zero energy capable buildings."

Testimony criticizing this matter presents the following remarks about Miettinen's assertions from one of my sons who is an engineer and has specialized in solar systems, energy conservation and conversion and electric vehicle technology and has international experience:

"As you guessed, this is total garbage, of course old buildings with their basements can be made very energy efficient. Our house and the museum are an 1818 and 1960 building example. Both had different challenges but I can guarantee the carbon footprint or rehabbing an existing building and getting it to net zero energy is less than removing and replacing an entire building. It's typically just a lot easier and more profitable for contractors who don't think reduce, reuse and recycle to think this way, they would rather knock down and start from a blank slate. This is an extremely wasteful way forward as we look to upgrade 80% of our building stock to high efficiency, Energy Star or better and ideally net zero energy."

James

--

James Worden
Lightspeed Energy
cell: 978 771-6574

Yours truly,
Patricia B. Worden
Town Meeting Member, pct 8

Please kindly include this communication in the official records of the meeting.