



Town of Arlington, MA Redevelopment Board

Agenda & Meeting Notice December 20, 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. Per Board Rules and Regulations, public comments will be accepted during the public comment periods designated on the agenda. Written comments may be provided by email to jraitt@town.arlington.ma.us by December 20, 2021 at 4:00 p.m. The Board requests that correspondence that includes visual information should be provided by December 17, 2021 at 12:00 p.m.

The Arlington Redevelopment Board will meet Monday, December 20, 2021 at 7:30 PM in the
Join via Zoom at <https://town-arlington-ma-us.zoom.us/j/85284618796>, Meeting ID: 852 8461 8796. To call in, dial 1-646-876-9923, 852 8461 8796 then #

1. Continued Public Hearing

7:30 p.m. - **Docket #3348, 833 Massachusetts Avenue**

8:15 p.m. Board will continue hearing Special Permit Docket #3348 in accordance with the provisions of M.G.L. Chapter 40A § 11, and the Town of Arlington Zoning Bylaw Section 3.4, Environmental Design Review, in order to review compliance with special condition 5 of the Special Permit Decision, dated April 13, 2009, and in order to hear from the property owner regarding such compliance. Special condition 5 of the Special Permit Decision refers to the future redevelopment of the Atwood House at 851 Mass Ave.

Board will continue discussion with property owner regarding status of compliance with Special Permit and may vote to close hearing.

2. Meeting Minutes (12/6/21)

8:15 p.m. Board will review and approve meeting minutes

3. Open Forum

8:20 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.

4. Executive Session

8:40 p.m. To approve meeting minutes from Executive Session on October 4, 2021

5. Correspondence Received

Correspondence received from:
D. Seltzer 12-19-2021



Town of Arlington, Massachusetts

Continued Public Hearing

Summary:

7:30 p.m. -

8:15 p.m.

Docket #3348, 833 Massachusetts Avenue

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Board will continue discussion with property owner regarding status of compliance with Special Permit and may vote to close hearing.

ATTACHMENTS:

Type	File Name	Description
Reference Material	Correspondence_from_R._Annese_received_via_email_10262021.pdf	10-26-21 Correspondence from R. Annese received via email
Reference Material	211021_Conceptual_Design_Schemes.pdf	10-21-21 Conceptual Design Schemes
Reference Material	Notification_of_Bylaw_Violations_821_Mass._Ave._to_G._Noyes_7-21-21.pdf	7-21-21 Notification of Violation 821 Mass Ave. to G. Noyes
Reference Material	Letter_from_Annese_re_Atwood_House.pdf	11-23-20 Letter from Annese re Atwood House
Reference Material	ARB_vote_regarding_821_Mass_Ave_050420.pdf	5-4-20 ARB Vote regarding 821 Mass Ave
Reference Material	833_Mass_Ave_Book_and_Page.pdf	12-18-19 833 Mass Ave Book and Page
Reference Material	Cover_Letter_Special_Permit_833_Mass_Ave.pdf	12-10-19 Cover Letter Special Permit 833 Mass Ave
Reference Material	Decision_Docket_3348_833_Mass_Ave.pdf	12-8-19 Decision Docket 3348 833 Mass Ave.
Reference Material	Letter_to_Noyes_re_special_permit_#3348_12-16-19_public_hearing_11182019.pdf	11-18-19 Letter to Noyes re special permit 3348 12-16-19 Public Hearing
Reference Material	Letter_to_Noyes_re_Atwood_House_081519.pdf	8-15-19 Letter to Noyes re Atwood House
		8-6-19 EDR Public

- ▣ Reference Material EDR_Public_Hearing_Memo_833_Mass_Ave.pdf
- ▣ Reference Material 2009_Decision_Docket_3348.pdf

Hearing Memo 833
Mass Ave.

4-28-09 Decision Filing
Docket #3348

From: "Robert Annese" <law@robertannese.com>
To: "Jennifer Raitt" <JRaitt@town.arlington.ma.us>, "Kelly Lynema" <KLynema@town.arlington.ma.us>
Cc: "Geoffrey Noyes" <gpnoyes@comcast.net>, <monte@mfd-bos.com>
Date: Tue, 26 Oct 2021 09:15:35 -0400
Subject: Atwood House

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

CAUTION: This email originated from outside of the Town of Arlington's email system. Do not click links or open attachments unless you recognize the REAL sender (whose email address in the From: line in "< >" brackets) and you know the content is safe.

Hi Jenny:

I spoke with Geoff Noyes this morning and I recommended to him that we should not wait until December 6th to report back to the ARB regarding the outcome with the Historical Commission.

He agrees.

Can we recapture the November 15th date with the ARB.

Please let me know.

Thank you.

Bob

Robert J. Annese, Esquire
1171 Massachusetts Avenue
Arlington, MA 02476
Telephone: 781-646-4911
Facsimile: 781-646-4910
law@robertannese.com

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BE AWARE OF WIRE FRAUD – IF YOU RECEIVE AN EMAIL FROM OUR OFFICE REQUESTING THAT YOU WIRE FUNDS, YOU MUST CALL OUR OFFICE AND VERBALLY CONFIRM THE REQUEST PRIOR TO THE TRANSFER OF ANY FUNDS. WIRING INSTRUCTIONS WILL ONLY COME FROM OUR OFFICE. IF YOU RECEIVE INSTRUCTIONS FROM ANY OTHER PARTY (INCLUDING YOUR LENDER) CALL US IMMEDIATELY.

CONFIDENTIALITY NOTICE: This communication contains privileged and confidential information that is intended for the use of the individual or entity named above, only. If the reader of this communication is not the intended recipient or the employee or agent responsible for delivering to addressee, you are notified that any dissemination or copying of this communication is strictly prohibited. If you received this message in error, please notify the Law Office of Robert J. Annese by phone at (781) 646-4911 and delete this communication from your system.

The Atwood House

Conceptual Design Schemes

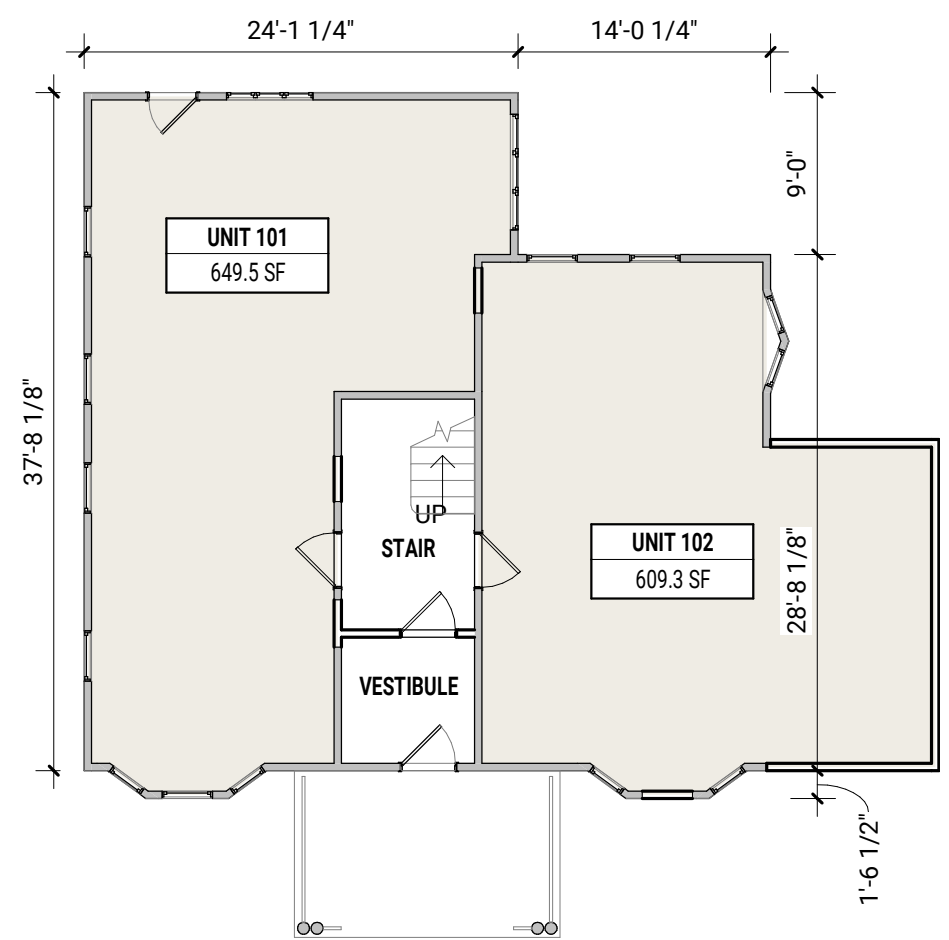
Concept 01



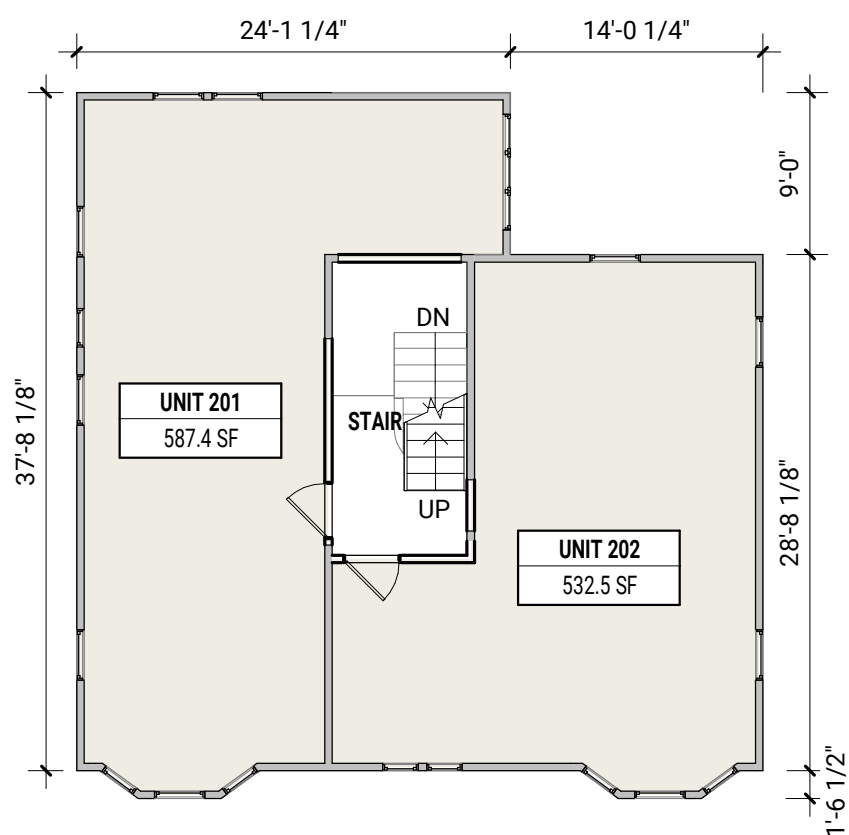
821 Mass. Ave, Arlington MA

PROPOSED SITE PLAN

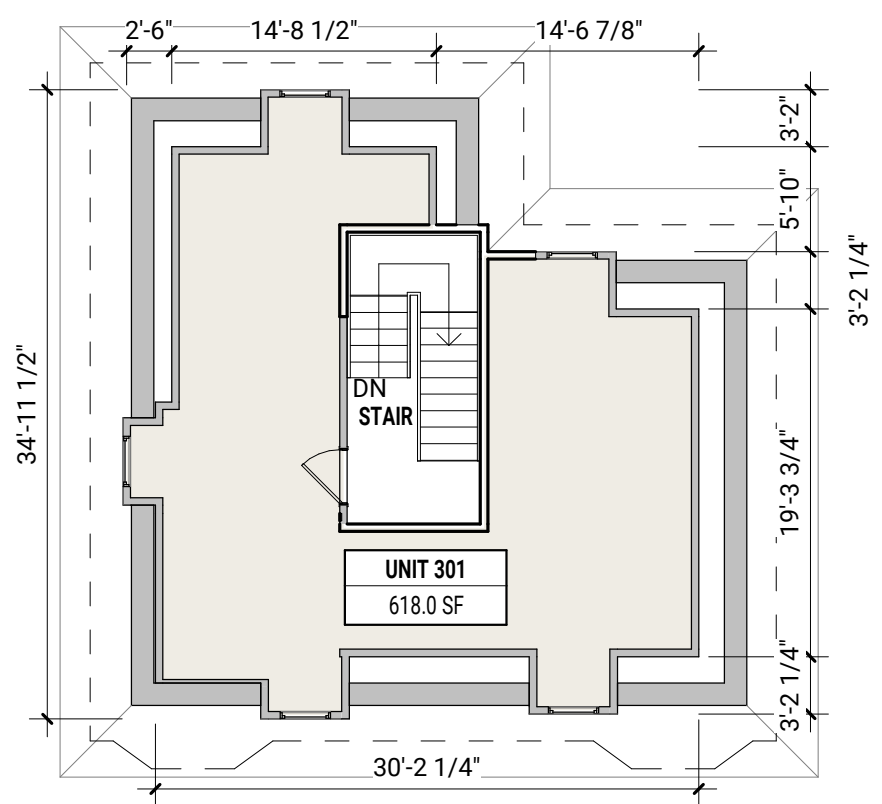
1ST FLOOR



2ND FLOOR



3RD FLOOR



LEGEND

- RESIDENTIAL UNIT
- COMMERCIAL SPACE

UNIT SCHEDULE

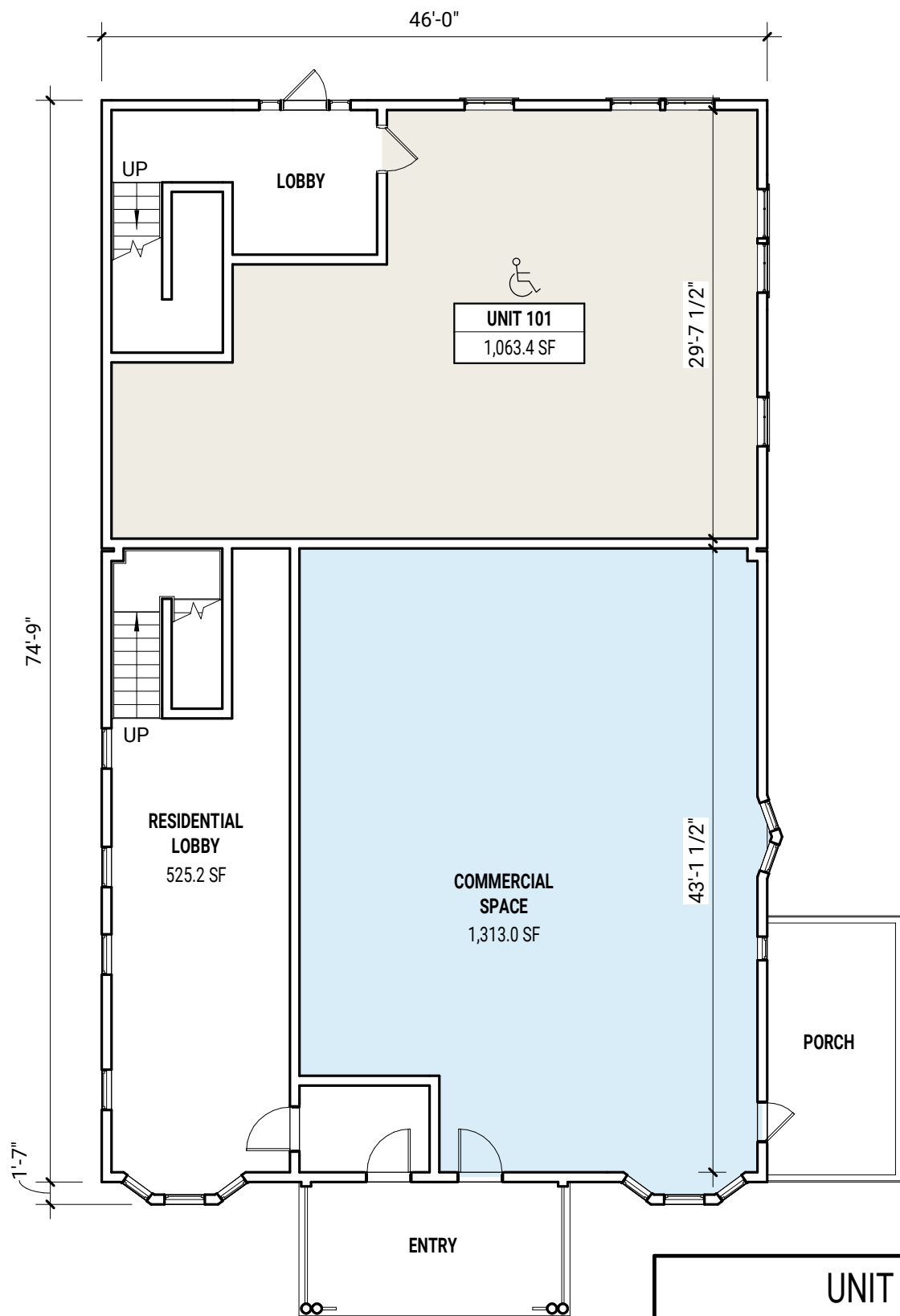
NAME	AREA	COMMENTS
UNIT 101	649.5 SF	ONE BED/ONE BA
UNIT 102	609.3 SF	ONE BED/ONE BA
UNIT 201	587.4 SF	ONE BED/ONE BA
UNIT 202	532.5 SF	ONE BED/ONE BA
UNIT 301	618.0 SF	ONE BED/ONE BA

Concept 02

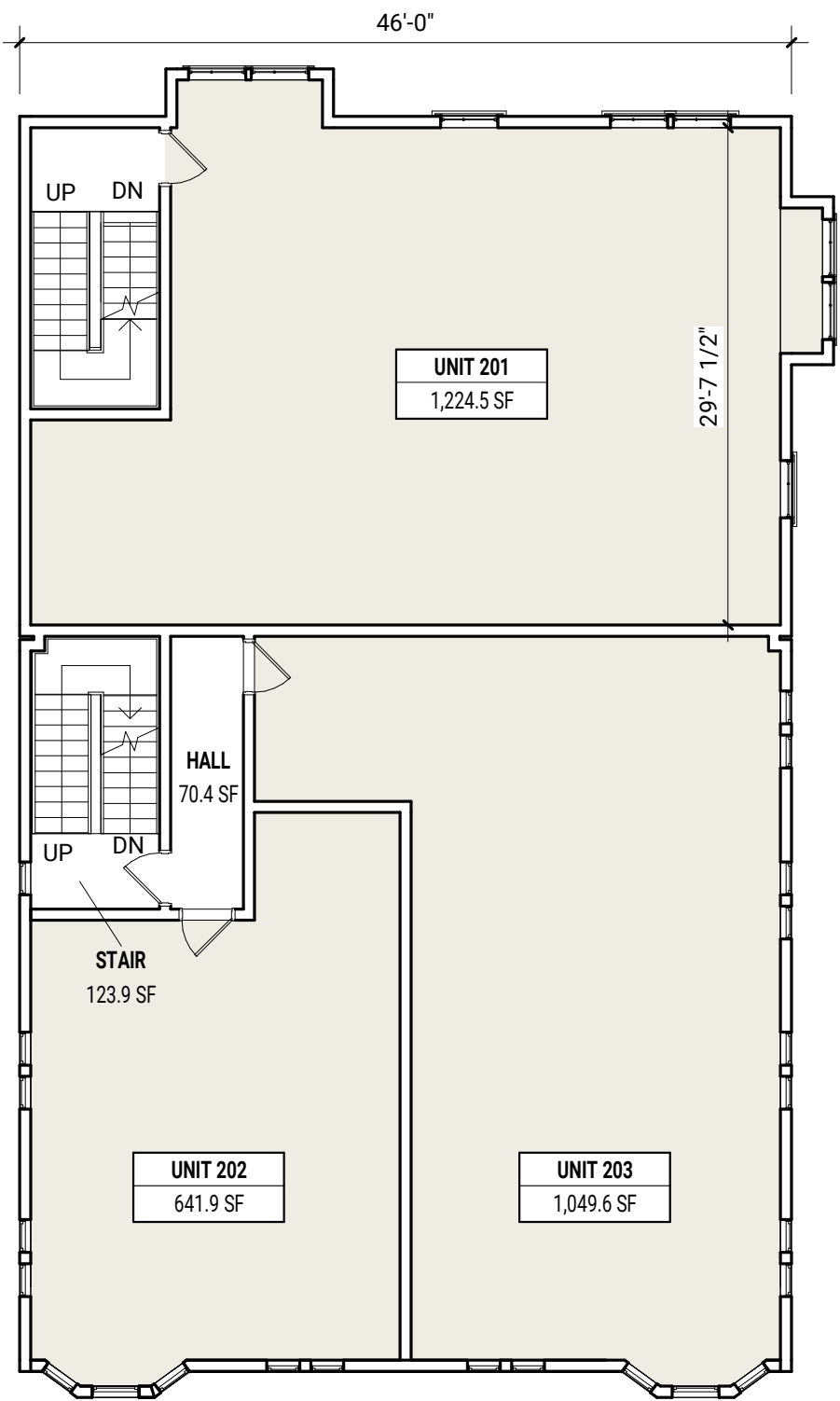


821 Mass. Ave, Arlington MA

PROPOSED SITE PLAN



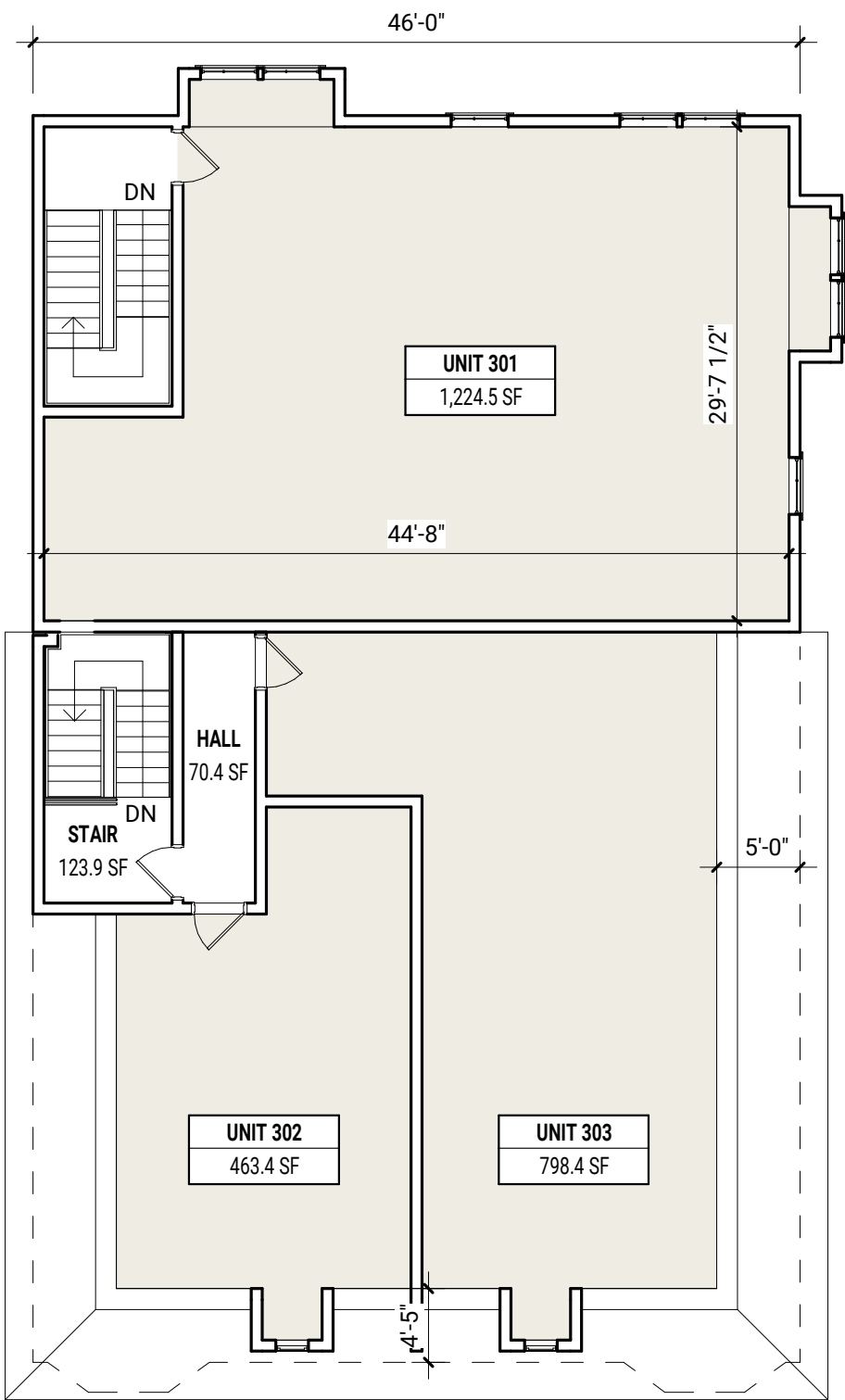
UNIT SCHEDULE		
NAME	AREA	COMMENTS
UNIT 101	1,063.4 SF	2 BEDROOM, ACCESSIBLE
UNIT 201	1,224.5 SF	3 BEDROOM
UNIT 202	641.9 SF	1 BEDROOM
UNIT 203	1,049.6 SF	2 BEDROOM



UNIT SCHEDULE		
NAME	AREA	COMMENTS
UNIT 301	1,224.5 SF	3 BEDROOM
UNIT 302	463.4 SF	STUDIO
UNIT 303	798.4 SF	1 BEDROOM +
Total Units: 7		

LEGEND

- RESIDENTIAL UNIT
- COMMERCIAL SPACE



821 Mass. Ave, Arlington MA

10.21.2021

PROPOSED PLANS



ARLINGTON REDEVELOPMENT BOARD

TOWN HALL ARLINGTON, MASSACHUSETTS 02476
TELEPHONE 781-316-3090

By Certified First Mail

Notification of Bylaw Violations at 821 Massachusetts Avenue

July 21, 2021

Geoffrey Noyes
208 Beacon Street
Marblehead, MA 01945

Dear Mr. Noyes:

Please receive this letter as notice of numerous violations of Town of Arlington Bylaws and Zoning Bylaws as a result of specific actions taken by your contractors and agents on or about June 28, 2021 through July 2, 2021 at your property known as the "Atwood House;" as well as ongoing, long-term conditions at such property, which are governed not only by Town ordinances, but a special permit issued by the Arlington Redevelopment Board.

In brief, despite a scheduled hearing on August 3m 2021 regarding a demolition permit on an historic building before the Arlington Historical Commission (AHC), your contractors and agents conducted significant demolition of the Atwood House over an approximately weeklong period in advance of the July 4th holiday weekend without any permits or notices to the Town. As a result, Director of Inspectional Services Michael Ciampa issued a stop-work order on or about July 3, 2021 to your contractor, Groom Construction. Performing such work, particularly given your pending application for a demolition permit and scheduled hearing before the AHC, as well as this Department's efforts to work collaboratively with you on options for redevelopment is particularly egregious. As the property owner of record, you are hereby noticed of the following fines *at a minimum* for violations of the following sections of the Town Bylaws due to unpermitted, premature, and improper demolition and site maintenance activities on or about the week of June 28 through July 2, 2021, including the following:

Title V, Article 7 Section C	\$1,350
Title V, Article 9.1	\$350
Title V, Article 17	\$700
Title IX, Article 1	\$80
	<u>\$2,480</u>

Further, as the property owner of record, despite last registering your property on January 29, 2020, you have remained non-compliant with the Town's Vacant Storefront Bylaw (Title V Article 17) and are hereby noticed that absent immediate compliance, the Town will pursue up to two years of this Bylaw provision, totaling \$73,000. Please also be advised that you will be fined an additional \$100 per day until the building conditions are corrected to the Town's satisfaction. If you wish to avoid these fines, conditions at the Atwood House property including securing the building, properly registering it on the Vacant Storefront Registry, must improve swiftly and dramatically. Secure building conditions shall encompass the following: removal of all boarded windows and installing new windows and siding which shall be reviewed and approved by the Arlington Historical Commission and installation of a 24-hour security and monitoring system.

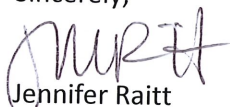
Moreover, the Town intends to reopen your Environmental Design Review Special Permit Docket #3348 for 833 Mass Ave due to continued non-compliance with Special Condition #5. This Special Permit is recorded at the Middlesex South Registry of Deeds Book 131350 and Page 69 on August 18, 2009. Pursuant to this Decision, as the property owner you are required to abide by all permit conditions. The Arlington Redevelopment Board requested follow-up on actions with regard to future redevelopment of the "Atwood House" as referenced in Special Condition #5 in the original Special Permit. You remain in non-compliance of the letter sent to you via certified mail on May 4, 2020. You were required to do the following and failed to follow through: you were to apply for a demolition permit within 30 days following the Board's vote or by May 27, 2020; you were to apply for an Environmental Design Review Special Permit following expiration of the demolition delay period or earlier contingent upon Arlington Historical Commission rulings per Town Bylaw Article 6 Historically or Architecturally Significant Buildings. If you had not filed for a demolition permit, you were to apply for an Environmental Design Review Special Permit with a renovation plan for the existing building within 60 days or by June 27, 2020. Please be advised that the Arlington Redevelopment Board reserves the right to revoke this Special Permit and staff may advise the Board of this option accordingly. As the owner, you have demonstrated willful and reckless negligence since this Special Permit was granted in 2009.

Finally, Inspectional Services advises this Department that commencing work prior to obtaining a permit constitutes a violation of the State Building Code, 780 CMR Sections 105.1 and 109.4, each of which are punishable by \$1,000 (or one year imprisonment) per violation, with each day constituting a separate violation. Inspectional Services will separately contact you and/or your contractor regarding penalties for commencing work without a permit.

Unless and until all of the above fines are paid and the violations are corrected to the satisfaction of the Arlington Historical Commission, the Town of Arlington intends to the full extent permitted by law to place a municipal lien on your property.

Please contact this office with questions regarding this notice at [781-316-3090](tel:781-316-3090).

Sincerely,



Jennifer Raitt

Director of Planning and Community Development



Michael Ciampa

Interim Director of Inspectional Services

cc: Robert J. Annese, Esquire

Rachel Zsembery, AIA, Chair, Arlington Redevelopment Board

JoAnn Robinson, Chair, Arlington Historical Commission

Douglas Heim, Town Counsel

Christine Bongiorno, Director of Health and Human Services

Chief Juliann Flaherty, Police Department

Chief Kevin Kelley, Fire Department

ROBERT J. ANNESE
ATTORNEY AT LAW

September 23, 2020

Via e-mail: robinsarcn.com

JoAnn Robinson, Chair
Historical Commission
Whittemore Robbins House
670R Massachusetts Ave
Arlington, Ma 02476

RE: Noyes Realty LLLP
(Atwood House) 821 Massachusetts Avenue, Arlington, Massachusetts

Dear Ms. Robinson:

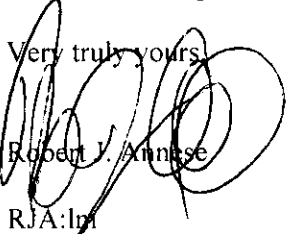
My client is going to develop the real estate located at 821 Massachusetts Avenue, Arlington, i.e. the "Atwood House" and is filing a demolition application in connection with its building plans.

The building plans have not yet been finalized and will be the subject of further hearings before the Arlington Redevelopment Board.

I am sending a preliminary draft of the development plans in connection with the development of the property which will likely change as any hearings progress before the Arlington Redevelopment Board.

I am sending this material along to the Historical Commission at this time and would request that the Commission schedule if necessary a hearing regarding this matter with respect to my client's demolition application and plans.

Very truly yours,


Robert J. Annese

RJA:lm

Enclosures

cc: Mr. Geoffrey P. Noyes
Noyes Realty, LLLP



ARLINGTON REDEVELOPMENT BOARD

TOWN HALL ARLINGTON, MASSACHUSETTS 02476

TELEPHONE 781-316-3090

May 4, 2020

Geoffrey Noyes
208 Beacon Street
Marblehead, MA 01945

Re: Environmental Design Review Special Permit 3348

Dear Mr. Noyes,

I am writing to follow-up from the April 27, 2020 Redevelopment Board meeting regarding the property you own located at 833 Massachusetts Avenue in Arlington, MA. This property has a Special Permit 3348 recorded at the Middlesex South Registry of Deeds Book 131350 and Page 69 on August 18, 2009. Pursuant to this Decision, as the property owner you are required to abide by all permit conditions. The Arlington Redevelopment Board requested follow-up on actions with regard to future redevelopment of the "Atwood House" as referenced in Special Condition #5 in the original Special Permit.

I am writing to inform you that on Monday, April 27, 2020, the Arlington Redevelopment Board voted unanimously (5-0) to close the hearing. In their vote, closing this hearing was conditioned on the following actions:

- The property owner shall apply for a demolition permit within 30 days following this vote or by May 27, 2020.
- The property owner shall apply for an Environmental Design Review Special Permit following expiration of the demolition delay period or earlier contingent upon Arlington Historical Commission rulings per Town Bylaw Article 6 Historically or Architecturally Significant Buildings.
- If the property owner does not file a demolition permit, the owner shall apply for an Environmental Design Review Special Permit with a renovation plan for the existing building within 60 days or by June 27, 2020.

Should you have any questions about this vote, please contact me at 781-316-3092.

Sincerely,

Jennifer Raitt
Secretary Ex-Officio

cc: Andrew Bunnell, Chair
Robert J. Annese, Esquire



DEC 18 2019

COMMONWEALTH OF MASSACHUSETTS.
MIDDLESEX S.S. _____
SOUTH DIST. REGISTRY OF DEEDS
CAMBRIDGE, MA

I HEREBY CERTIFY THE FOREGOING
IS A TRUE COPY OF A PAPER
RECORDED IN BOOK 73849

PAGE 534

Marie P. Chittaro
REGISTER



ARLINGTON REDEVELOPMENT BOARD

TOWN HALL ARLINGTON, MASSACHUSETTS 02476

TELEPHONE 781-316-3090

December 10, 2019

CVS
c/o Gary McCoy, Poyant Signs
125 Samuel Barnet Boulevard
New Bedford, MA 02745

Re: 833 Massachusetts Avenue, Docket No. 3348

Dear Mr. McCoy,

Enclosed please find a copy of special permit, Docket No. 3348, for the property located at 833 Massachusetts Avenue, Arlington, MA 02476. The Decision was filed with the Town Clerk on November 18, 2019 and then certified on December 8, 2019 after the expiration of the appeal period.

Please pay close attention to the general and special conditions. Some of them, such as recording the Decision at the Registry of Deeds, must be done before you can apply for a building permit. It is our practice to forward the special permit to the Building Inspector after such conditions have been fulfilled and we have been provided evidence of same.

Should you have any questions, please contact me at your earliest convenience.

Yours truly,

A handwritten signature in cursive script, appearing to read "J. Raitt", with a small "42" written below it.

Jennifer Raitt
Secretary ex-officio

Encl: Special Permit

Cc: Michael Byrne, Building Inspector

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

Date of Issue 12-9-2019 ASST. Town Clerk



TOWN CLERK'S OFFICE
ARLINGTON, MA 02174

2019 NOV 18 AM 9:34

RECEIVED

ARLINGTON REDEVELOPMENT BOARD

Arlington, Massachusetts
Middlesex, ss

DOCKET NO. 3348

DECISION
Special Permit Under
ENVIRONMENTAL DESIGN REVIEW

Applicant: CVS
One CVS Drive, Woonsocket, RI 02895
Property Address: 833 Massachusetts Avenue, Arlington, Massachusetts 02476

Date of Hearings: August 12, 2019, November 4, 2019
Date of Decision: November 4, 2019

20 Day Appeal Period Ends: December 8, 2019

Members
Approved

Opposed

Eugene B. Benson
David M. Woot
[Signature]
[Signature]

Jessie G. Weber
ASST. Town Clerk's Certification

12-9-2019
Date

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

Date of Issue 12-9-2019



TOWN CLERK'S OFFICE
ARLINGTON, MA 02178

2019 NOV 18 AM 9:33

RECEIVED

Town Clerk
Town of Arlington, Massachusetts

Redevelopment Board

730 Massachusetts Avenue, Arlington, Massachusetts 02476

DECISION OF THE BOARD

Environmental Design Review Docket #3348

833 Massachusetts Avenue, Arlington, MA 02476

CVS

November 4, 2019

This Decision applies to the re-opening of Special Permit Docket 3348 by CVS to install new signage consistent with CVS rebranding. The CVS store is located at 833 Massachusetts Avenue within a B4 Vehicular Oriented Business District. The re-opening of the Special Permit is to allow the Board to review and approve the signage, under Section 3.4, Environmental Design Review, and section 6.2, Signs. A public hearing was held on August 12, 2019, and continued to November 4, 2019, when this decision was rendered.

Materials submitted for consideration of this application:

Application for Environmental Design Review Special Permit application dated June 27, 2019.

The following criteria have been met, per Section 3.3.3, Arlington Zoning Bylaw:

1. The retail pharmacy is allowed in the B-4 Vehicular Oriented Business District.
2. The retail pharmacy has operated in this location for many years.
3. There are no exterior alterations other than signage.
4. The retail pharmacy will not overload any public utilities: public water, drainage or sewer system or any other municipal system.
5. No special regulations are applicable to the use.
6. The use does not impair the integrity or character of the neighborhood. Although additional directional signs will be installed to assist in circulation on the site, the large wall signs will be smaller than the existing signage on the building.
7. The use will not be in excess or detrimental to the character of the neighborhood.

The following criteria have been met, per Section 3.4.4, Arlington Zoning Bylaw:

A. EDR-1 Preservation of Landscape

There are no changes to the site that would impact existing natural features.

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

There are no changes to the exterior of the building other than the installation of new signage to replace the existing signage.

C. EDR-3 Open Space

The 2009 Decision indicated that landscaping would be installed between the front of the building and the Massachusetts Avenue sidewalk. This area is entirely sidewalk and three benches are present. The tenant and the property owner will work with the Department of Planning and Community Development to come to a reasonable solution that reflects the previous Decision. There are no other changes to open space as a result of the signage rebranding.

D. EDR-4 Circulation

The existing circulation does not change; however, the addition of a Do Not Enter sign will help ensure that internal circulation occurs as it is intended.

E. EDR-5 Surface Water Drainage

The signage rebranding will not affect surface water run-off.

F. EDR-6 Utilities Service

There are no changes to the utility service as a result of the signage rebranding.

G. EDR-7 Advertising Features

The existing CVS signage includes a slash, and reads as CVS/pharmacy. The rebranding eliminates the slash, but includes a heart shape in front of the words CVS pharmacy. The rebranding retains the typical red color associated with CVS.

The new signage includes removing the large signage above the main entrance of the building and other plaques, and replacing it with updated signage. A Do Not Enter sign will be installed. All other directional signage will be retained.

The signage on the Massachusetts Avenue frontage is currently 75.18 square feet and will be replaced with signage that measures approximately 33.08 square feet. The reason for the reduction is the size of the letters. The existing letters are approximately 36 inches and the proposed letters are 22.5 inches. Additionally, the new signage will include channel LED illumination.

The main signage facing the parking lot is currently 33.41 square feet and will be replaced with signage that measures approximately 33.08 square feet. The existing letters are

approximately 24 inches and the proposed letters are 22.5 inches. Additionally, the new signage will include channel LED illumination.

Three plaques on the property will be updated. A plaque at the main entrance will be replaced. This plaque conveys information regarding the opening hours, the store manager, and the pharmacy manager. The plaque will remain but the CVS/pharmacy will be replaced with the heart branding. The receiving entrance plaque will be replaced with a 3 square foot plaque. A directional sign will be replaced at the drive-thru pharmacy that indicates both lanes offer full service. It is approximately 4.17 square feet.

A Do Not Enter sign will be installed at the end of the main drive aisle in the parking lot. At the rear of the site, the circulation is one way in order to access the drive-thru pharmacy. The Do Not Enter sign will reinforce the circulation pattern. The sign will be installed about 3 feet above grade and is approximately 2.25 square feet.

An additional directional sign that was not accounted for previously was also acknowledged during the public hearing. The directional signage provides a visual cue on the best way to access the drive through pharmacy.

All other directional signage remains as is on the property.

The reduction in the size of the main signage, the lighting upgrade, and the addition of the Do Not Enter sign are improvements to the property.

H. EDR-8 Special Features

There are no changes to the building or the site that would cause any adverse impacts on light, air and water resources, or on noise and temperature levels.

I. EDR-9 Safety

There are no changes to the building or the site that would cause any safety or accessibility concerns.

J. EDR-10 Heritage

The CVS building is not located on any local or State historic property listing. The adjacent Atwood House is identified as a significant building per Title VI, Article 6 of the Town Bylaw. The signage rebranding does not impact the Atwood House and the 2009 Decision retains jurisdiction over future plans for the structure as does the Historical Commission. The Redevelopment Board requests that the property owner attend the December 16, 2019 meeting to discuss the future of the Atwood House.

K. EDR-11 Microclimate

The signage rebranding will not impact the microclimate.

L. EDR-12 Sustainable Building and Site Design

The signage rebranding will support sustainable building and site design through the usage of LED fixtures to illuminate the signage.

The project must adhere to the following general conditions:

1. The final plans and specifications for signage shall be subject to final approval by the Department of Planning and Community Development (DPCD).
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 conditions of the 2009 Special Permit decision are still in force. 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.

The project must adhere to the following special conditions:

1. The Applicant and the property owner will work with the Department of Planning and Community Development to come to a reasonable solution that reflects the requirement of the 2009 Decision to install landscaping between the front of the building and the Massachusetts Avenue sidewalk.
2. The Applicant and property owner appear at the December 16, 2019, Redevelopment Board hearing to discuss the ongoing compliance with the 2009 Decision, with special attention to the Atwood House.



ARLINGTON REDEVELOPMENT BOARD

TOWN HALL ARLINGTON, MASSACHUSETTS 02476

TELEPHONE 781-316-3090

November 18, 2019

Geoffrey Noyes
208 Beacon Street
Marblehead, MA 01945

Re: Environmental Design Review Special Permit 3348

Dear Mr. Noyes,

I am writing to follow-up from the October 7, 2019 Redevelopment Board meeting regarding the property you own located at 833 Massachusetts Avenue in Arlington, MA. This property has a Special Permit 3348 recorded at the Middlesex South Registry of Deeds Book 131350 and Page 69 on August 18, 2009. Pursuant to this Decision, as the property owner you are required to abide by all permit conditions. The Arlington Redevelopment Board requests follow-up on actions with regard to future redevelopment of the "Atwood House" which was discussed with the Board on October 7th and is referenced in about Special Condition #5 in the original Special Permit.

The Board requests your attendance at their public hearing on December 16th at 8:30 p.m. in the Town Hall Auditorium at 730 Massachusetts Avenue. The Board requests your attendance at this meeting in order to provide a property update regarding this special condition and your ability to meet the permit requirement.

Please contact me at your earliest convenience should you wish to discuss these matters. Otherwise, your presence is expected at the hearing date, time, and location noted above.

Sincerely,

A handwritten signature in cursive script, appearing to read "J. Raitt".

Jennifer Raitt
Secretary Ex-Officio

cc: Andrew Bunnell, Chair
Robert J. Annese, Esquire



ARLINGTON REDEVELOPMENT BOARD

TOWN HALL ARLINGTON, MASSACHUSETTS 02476

TELEPHONE 781-316-3090

August 15, 2019

Geoffrey Noyes
208 Beacon Street
Marblehead, MA 01945

Re: Environmental Design Review Special Permit 3348 - CVS

Dear Mr. Noyes,

I am writing regarding the condition of property you own located at 833 Massachusetts Avenue in Arlington, MA. This property has a Special Permit 3348 recorded at the Middlesex South Registry of Deeds Book 131350 and Page 69 on August 18, 2009. Pursuant to this Decision, as the property owner you are required to abide by all permit conditions. The Arlington Redevelopment Board is specifically concerned about Special Condition #5 with regard to your responsibility to maintain the "Atwood House". This condition requires you to make reasonable and diligent efforts to prevent any damage from the elements or otherwise, until the property is redeveloped. Currently, the property is partially boarded and partially exposed to the elements. The partial exposure is not compliant with the Decision.

Your tenant CVS Health recently requested an amendment to Special Permit 3348 in order to increase the number of signs on the property. At the opening of the public hearing on August 12th, the Board quickly indicated that they were concerned about broader property issues referenced above and subsequently continued the hearing to September 9th at 7:30 p.m. in the Town Hall, 730 Massachusetts Avenue, second floor conference room. The Board requests your attendance at this meeting in order to provide a property update regarding the conditions and your ability to meet permit requirements.

Please contact me at your earliest convenience should you wish to discuss these matters. Otherwise, your presence is expected at the hearing date and time noted above.

Sincerely,


Jennifer Raitt
Secretary Ex-Officio

cc: Andrew Bunnell, Chair
Robert J. Annese, Esquire



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, 833 Massachusetts Ave, Arlington, MA
Docket #3348

Date: August 6, 2019

I. Docket Summary

This is an application by Gary McCoy, Poyant Signs, for CVS, at 833 Massachusetts Avenue, to re-open Special Permit Docket #3348. This is in accordance with the provisions of M.G.L. Chapter 40A Section 11, and the Town of Arlington Zoning Bylaw Section 3.4 Environmental Design Review. The applicant proposes to install new signage consistent with CVS rebranding. The re-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:

1. Environmental Design Review Special Permit Application dated June 27, 2019.

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 retail pharmacy is allowed in the B-4 Vehicular Oriented Business District. 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 retail pharmacy has operated in this location for many years. 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.

There are no exterior alterations other than signage. 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.

This retail pharmacy has operated in this location for many years without overloading any public utilities. 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 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)

A. 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. The Board can find that this condition is met.

B. 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 installation of new signage replacing the existing signage. The Board can find that this condition is met.

C. EDR-3 Open Space

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

There are no changes to open space. The Board can find that this condition is met.

D. 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 existing circulation does not change; however, the addition of a Do Not Enter sign will help ensure that circulation occurs as it is intended. The Board can find that this condition is met.

E. 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 Board can find that this condition is met.

F. 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.

G. 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 existing CVS signage includes a slash, and appears as CVS/pharmacy. The proposed rebranding eliminates the slash and includes a heart in front of the words CVS pharmacy. The heart rebranding retains the typical red color associated with CVS.

The scope of work for the new signage includes removing the large signage above the main entrance of the building and other plaques, and replacing it with updated signage. A new Do Not Enter sign will be installed. All other directional signage will be retained.

The signage on the Massachusetts Avenue frontage is currently 75.18 square feet and will be replaced with signage that measures approximately 33.08 square feet. The reason for the reduction is the size of the letters. The existing letters are approximately 36 inches and the proposed letters are 22.5 inches. Additionally, the new signage will include channel LED illumination.

The main signage facing the parking lot is currently 33.41 square feet and will be replaced with signage that measures approximately 33.08 square feet. The existing letters are approximately 24 inches and the proposed letters are 22.5 inches. Additionally, the new signage will include channel LED illumination.

Three plaques on the property will be updated. A plaque at the main entrance will be replaced. This plaque conveys information regarding the opening hours, the store manager, and the pharmacy manager. The plaque will remain but the CVS/pharmacy will be replaced with the heart branding. The receiving entrance plaque will be replaced with a 3 square foot plaque. A directional sign will be replaced at the drive-thru pharmacy that indicates both lanes offer full service. It is approximately 4.17 square feet.

A new Do Not Enter sign will be installed at the end of the main drive aisle in the parking lot. At the rear of the site, the circulation is one way in order to access the drive-thru pharmacy. The Do Not Enter sign will reinforce the circulation pattern. The sign will be installed about 3 feet above grade and is approximately 2.25 square feet. All other directional signage remains as is on the property.

The reduction in the size of the main signage, the lighting upgrade, and the addition of the Do Not Enter sign are improvements to the property. The Board can find that this condition is met.

H. 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.

I. 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.

J. 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 CVS building is not located on any local or State historic property listing. However, the adjacent Atwood House is identified as a significant building per Title VI, Article 6 of the Town Bylaw. The signage rebranding does not impact the Atwood House and the Special Permit Decision retains jurisdiction over future plans for the structure as does the Historical Commission. The Board can find that this condition is met.

K. 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.

L. 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. Conditions

1. The final plans and specifications for signage shall be subject to final approval by the Department of Planning and Community Development (DPCD).

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 conditions of the original Special Permit decision are still in force. 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.



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ARLINGTON REDEVELOPMENT BOARD

Arlington, Massachusetts
Middlesex, ss

DOCKET NO. 3348

REQUEST FOR SPECIAL PERMIT
Subject to
ENVIRONMENTAL DESIGN REVIEW

Applicant CVS

Date of Hearings October 20, 2008, November 17, 2008,
December 22, 2008, February 23, 2009,
March 9, 2009, March 30, 2009,
April 6, 2009, April 13, 2009

Date of Decision April 13, 2009

Date of Filing April 28, 2009

Members

Approved

Andrew P. Neri chair
[Signature]
Edward Tsai
[Signature]
[Signature]

Opposed



TOWN OF ARLINGTON

MASSACHUSETTS 02476

781 - 316 - 3090

DEPARTMENT OF PLANNING and COMMUNITY DEVELOPMENT

OPINION OF THE BOARD

This application by G. B. New England 2, LLC seeks a special permit to construct a CVS drugstore at the subject address. The property has been the site for an automobile dealer and a small office building (formerly a residence) for many years. The applicant originally proposed to construct a 12,900-square-foot retail store on a part of the site that did not include the former residence at 821 Mass. Ave., known as the Atwood House. Prior to the public hearing, the applicant notified the Town that it wished to modify its proposal. It had arranged to include the property on which the Atwood house is located. It now proposed to demolish both buildings, construct the same CVS drug store, and construct an automated bank teller machine in a freestanding, 70-square-foot building. The applicant requested more time to modify its application. Accordingly, the hearing scheduled for October 20, 2008 was opened and immediately continued to November 17, 2008 with no discussion of the project. The hearing was advertised in the Arlington Advocate on October 2 and October 9, 2008.

When it was questioned if the drive-thru pharmacy could be permitted, the Inspector of Buildings determined that the proposed drive-thru for the pharmacy could be permitted as use number 8.17, which requires a special permit. The public hearing for that special permit use was advertised in the Arlington Advocate on December 4 and December 11, 2008, and scheduled for December 22, 2008 which coincided with the continuation date (from November 17, 2008) for the original permit application. Subsequently, hearings have been held for all proposed uses on January 26, 2009, February 23, 2009, March 9, 2009, Mar 30, 2009, April 6, 2009, and April 13, 2009.

The proposal has changed in response to the discussion at these hearings. The Atwood House will not be demolished, but will remain. There has been a great deal of discussion about using the house as a multi-family residence. However, at this time, there is no specific proposal for the use of the Atwood House. The applicant has indicated that it wishes to complete the permitting of the CVS drugstore, and will return to modify the special permit when the use of the Atwood House is determined. The proposed site plan includes the Atwood House, parking spaces that are dedicated to it, and space for an addition to the rear of the structure.

FINDINGS OF FACT

Section 10.11a-1 The uses requested are 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 applicant seeks a special permit to operate a retail store having more than 3,000 square feet of gross floor area. The use, number 6.16 in the Table of Use Regulations (Section 5.04 of the Zoning Bylaw), is a special permit use in the B4 zoning district. The fact that the proposed development also requires a building permit and is located on Massachusetts Avenue means that the special permit is subject to environmental design review (Section 11.06 of the Zoning Bylaw). The applicant also seeks special permits for signs under Section 7.09, and for parking and loading space standards under Section 8.12 of the Zoning Bylaw. The proposal includes two drive-thru pharmacy

windows, which the Inspector of Buildings has said can be permitted special permit under accessory use number 8.17. The Board finds that the proposal meets this standard.

Section 10.11a-2 The requested use is essential or desirable to the public convenience or welfare.

The town is now served by four large drugstores (two of which are CVS, one of which does not have a pharmacy) and two additional pharmacies. The proposed use of the site will establish the fifth large drugstore in Arlington (and the third CVS store) and the sixth pharmacy. The proposed store will be the only pharmacy with a drive-thru. Public input at the public hearing has been mixed, but some clearly want a convenient, large drugstore with a drive-thru pharmacy. The Board finds that the proposed use is desirable to the public convenience or welfare.

Section 10.11a-3 The requested use will not create undue traffic congestion, or unduly impair pedestrian safety.

The applicant submitted a traffic impact report, and then modified it several times to include the impact of the project on pedestrians, the impacts when the abutting high school is in session, the re-positioning of the retail store, and the preservation of the Atwood House. At each step of the way, the Board's traffic consultant has reviewed the reports. The Town's Transportation Advisory Committee has also reviewed the traffic impact studies and made recommendations to the Board.

The following is the sequence of documents regarding traffic impacts:

1. Traffic Impact Study by GEOD (for CVS), August 18, 2008
2. Traffic Impact Study by GEOD (for CVS), November 17, 2008 – This study reflected an altered site plan because CVS had arranged to control more of the property and proposed to demolish the Atwood House and add more parking and an ATM on the site.
3. Memo from BSC Group (ARB's consultant), December 4, 2008 – This memo asked for clarification of parts of the proposal and asked for some technical corrections.
4. Revised Traffic Impact Study by GEOD (for CVS), January 19, 2009 – This study responded to comments from BSC and those made at the December 22 hearing. It also reflected a second change to the site plan: the Atwood house is to remain and put to a new use (as yet undetermined). It also recommended a new crosswalk near Carey Drive and improvements that could be made to the Jason and Mill Streets intersection.
5. Comments by Jeff Maxtutis (TAC), January 19, 2009 – The comments asked for minor changes in the impact analysis.
6. Memo from BSC Group (ARB's consultant), January 22, 2009 – The memo expressed general agreement with the responses in the January 19 report and suggested some refinements.
7. Memo from GEOD regarding pedestrian movements, February 4, 2009 – This report provided more detail about pedestrian movements and studied alternative crosswalk locations.
8. Comments by Jeff Maxtutis (TAC), February 6, 2009 – These comments evaluated the proposed improvements to the Jason and Mill Streets intersection and the proposed crosswalk. It also expressed concern about the site entrance and exit being close to Carey Drive.
9. Memo from GEOD summarizing comments, February 20, 2009 – This memo summarized the recent months' studies, comments, and responses.
10. Memo from TAC, February 26, 2009 – This memo indicated general satisfaction with the impact studies and the changes made to the project. It listed items it still thought were

unresolved: 1) the proximity of the access to Carey Drive, 2) the need for bump-outs at Bartlett Street, 3) the need for bump-outs at the new crosswalk near Carey Drive, and 4) a commitment to make improvements to the Jason and Mill Streets intersection.

11. Email from Chris Emelius (GEOD), March 4, 2009 – Clarified distance from Carey Drive to proposed site entrance.
12. Local CVS traffic counts by Ed Starr (TAC), March 5, 2009 – Counts of pedestrians and vehicles were made at Walgreens in East Arlington for comparison purposes.
13. Memo from BSC Group. March 5, 2009 – This memo concurred with the new crosswalk location and recommended bump-outs. It also made a number of recommendations regarding circulation on the site (parking, drive-thru, delivery).
14. Local traffic counts (various) from Ed Starr (TAC), March 9, 2009 – Additional local counts for comparison purposes.
15. Hours of operation, local drug stores, by E. Carr-Jones (TAC), March 10, 2009 – Hours of operation of local drug stores for comparison purposes.
16. Report on meeting with TAC by Bruce Fitzsimmons (ARB), March 12, 2009 – TAC was pleased with bump-outs, thought \$5,000 offer to mitigate Jason and Mill Streets intersection was too low, offered compromise on site entrance location, and expressed concern over the trip generation numbers.
17. Memo from BSC Group. March 20, 2009 – This essentially endorsed the TAC comments of March 12.
18. Memo from TAC, March 23, 2009 – Reiteration of concerns and proposal of \$50,000 mitigation fund for unforeseen traffic impacts.
19. Memo from GEOD, March 26, 2009 – This is a discussion of TAC and BSC concerns, and acceptance of the crosswalk bump-outs, and of the site entrance drive 113 feet from Carey Drive.
20. Memo from TAC, March 30, 2009 – This is a defense of TAC's March 23rd memo.
21. Email from Sam Offei-Addo (BSC Group), April 2, 2009 – This listed recommended improvements to signage and traffic lines on the site and at one of the bump-outs.
22. Questions on the Permitting Process for the Proposed CVS Pharmacy at 837 Massachusetts Avenue, Arlington Citizens for Responsible Development, April 6, 2009 by David Wright – This paper expressed concern about the intersection at Jason and Mill Streets, traffic congestion at the high school, the validity of pedestrian counts, traffic generation figures, and traffic impacts on neighboring streets.
23. Traffic and Safety issues Relating to the CVS Special Permit Application, Arlington Citizens for Responsible Development, April 6, 2009 by Dorothy Nash Webber – This paper made comparison of the proposal to the Osco proposal, which was denied some ten years earlier, and reiterated the concerns made in David Wright's paper, above.

The Board considered the traffic safety issues very carefully and asked its traffic consultant and TAC to do likewise. The trip generation numbers were discussed in great detail, with general agreement on the PM numbers and the feeling that the AM numbers may be low. The effects of the traffic on intersection performance were assessed using the PM numbers which corresponded to the TAC's AM counts. The Board therefore felt it had adequate indication of the impacts. Because of the potential impacts at the site entrance, the Board felt compelled to create the ability through an escrow fund to mitigate unexpected vehicle activity near the site. Should mitigation near the site not be deemed necessary, the escrow may be used at the Jason and Mill Streets intersection, which is expected to require mitigation regardless of whether or not the CVS is built.

As a result of the discussions about pedestrian safety and traffic congestion, the applicant has moved the driveway away from Carey Drive to lessen the impact on pedestrians and vehicles entering the high school, and will install a new crosswalk between Carey Drive and the CVS driveway, and will install crosswalk bump-outs on Mass. Ave. at that crosswalk and at Bartlett Avenue. The bump-outs will shorten the crossing distance, and help prevent illegal parking in the crosswalk. The applicant has agreed to contribute funds to help mitigate the impact of increased traffic along Mass. Ave., including at the Jason Street and Mill Street intersection. Based on the data and reports submitted by the applicant's consultant, as revised, and the materials and comments submitted by the Board's consultant and TAC, the mitigation measures agreed to by the applicant as part of this special permit, and the funding of future mitigation measures as required, the Board finds that this standard is met.

Section 10.11a-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 impact of the proposed development on public water and sewer will be minimal, but the Town Engineer has given the applicant instructions for making such connections. The applicant has submitted a very detailed stormwater management plan. The stormwater management plan has been revised to conform to the significant changes that have been made in the site plan, but the system remains essentially the same, with most of the stormwater filtered through a large rain garden at the rear of the site. The Board finds that the proposal meets this standard.

Section 10.11a-5 Any special regulations for the use, set forth in Article 11 are fulfilled.
The environmental design review standards of Section 11.06 are evaluated below.

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.

The current site is covered almost entirely by building or paving. There is some lawn area in front and to the right of the Atwood House, and minimal other landscaping. With the Atwood House remaining on the site, it is possible to preserve a 22-inch-diameter pine tree in its front yard. The northern side of the lot slopes steeply down, and is covered with scrub growth, including trees. The proposed development will retain most of the treed area to the north, and introduce significantly more landscaping on the remaining three sides, as well as some landscaped areas within the parking lot. Besides that mentioned above, there is no existing landscaping to be preserved; the site is either paved or covered by building. The proposed plan will replace some of the impermeable surface with landscape, and the total landscaped area exceeds the amount required by the Zoning Bylaw. The Board finds that the proposal meets this standard.

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 R-1 or R-2 district or on public open space.

The current proposal is much improved from the original application. The proposed store building has been moved up to the front of the lot, consistent with business uses along Mass. Ave. The Atwood House is to remain. It is important that the current design retains the Atwood House in its

current location on the site, and accommodates the possible future expansion at the rear of the structure. The Atwood House, and the current design of the CVS building itself, present an appropriate streetscape for Mass. Ave. in this area. The Board finds that the proposal meets this standard.

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 open space provided on the site is appropriately and attractively landscaped, and exceeds the amount of landscaped space required by the Zoning Bylaw. The changes to the parking lot configuration result in the proposal meeting the required open space within the parking lot. In addition, the applicant has agreed to provide landscaping between the setback at the front of the new building and the sidewalk. The spaces will be attractively planted and placed to provide a pleasant view or screening as needed. The Board finds that the proposal meets this standard.

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 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.

The traffic circulation on the site is designed to accommodate large delivery trucks and the pharmacy drive-thru, and to provide parking for customers. The evolution of the site plan is such that the current proposal meets the standard. Some minor changes to the directional signage have been suggested. There is bike parking provided near the store entrance, and extensive changes involving a crosswalk; and curb bump-outs are proposed near the vehicle entrance to the site, helping to protect pedestrian traffic.

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 catchbasins. 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 10.11.b, 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. The applicant has submitted a very detailed stormwater management plan, which was revised to match the current plan. It has been reviewed by the Town Engineer, and the applicant has responded to the comments. The storm drain system discharges storm flow in the same location as the flow is directed today. The permeable surface on the site has been reduced, and the system includes an underground detention and infiltration chamber and a rain garden to reduce, clean, and slow the flow of storm water. The Board finds that the proposal meets this standard.

EDR-6 Utilities 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.

The plans indicate adequate underground utility connections; they also show the location of an electric transformer in a landscaped island in the parking lot. The Town Engineer made some modifications to the plans relative to the hook-ups in Mass. Ave. The applicant has moved the transformer location to a less visible location. The Board finds that the proposal meets this standard.

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 main signage on the building consists of two wall signs, one facing Mass. Ave., and one facing the parking lot on the west side of the building. The two signs meet the bylaw standards. Several signs are located within the parking lot area to direct traffic. These signs exceed the one-square-foot area that is allowed. The directional signs are helpful and important in helping vehicles navigate a fairly complicated parking lot. The signs are slightly larger than three square feet each, and the Board has determined that the larger size is in the public interest, and is allowed by special permit. Other directional signs are posted on, and identify, the pharmacy drive-thru. These also are larger than one square foot, and the Board has determined that they are allowed by special permit.

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 proposal includes two dumpsters at the rear of the parking lot, which are visible from the street. The sides of the dumpster are screened by plantings, and the front is stockade fence. Planting has been sited to the rear of the Atwood House to effectively screen the dumpster area from the street and from the Atwood House. There is a large electrical transformer in a landscaped island in the parking lot. It was moved to a less visible location, and is appropriately screened with vegetation. The proposal locates rooftop HVAC and refrigeration units behind the screen of the slanted roof surfaces; this equipment will not be visible from the ground. The Board finds that the proposal meets this standard.

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 plan appears to be generally safe, with all accessible spaces open to the public view. The parking lot is well lighted to serve the parking lot users well. The Board requested reduced lighting on the Atwood House side of the proposed building; the plan calls for some light in this area for safety. The source of lighting on the site will not be visible from off the site. The Board finds that the proposal meets this standard.

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 site has no historical structure, and the site has no historical significance. Before it became an auto dealership, there were three or four houses on the site, including the Atwood House, which remains today. The Atwood House is listed as a significant building under Arlington Town Bylaws, as is the Baptist Church next door. The applicant has stated that the Atwood House will be retained on the site, and the proposed plan reflects that. Any addition or modification of the Atwood House would have to respect Town bylaws regarding significant structures. Any modification of the Atwood House will require an amendment of this special permit. The Board finds that the proposal meets this standard.

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.

The proposal will reduce the amount of impermeable area on the site. The HVAC and refrigeration equipment are located on the roof of the CVS building in a well, behind slanted roofs on all four sides. The site is large relative to the amount of equipment, and the heat, light, vapor, or fumes will not be detectable. The Board finds that the proposal meets this standard.

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.

The applicant has submitted the LEED checklist, and the narrative required by this standard. The plan shows the methods to control soil erosion and sedimentation of storm sewers. The plan increases the amount of permeable surface, and exceeds the Town's open space requirement. The planned lighting is designed to prevent up lighting, and to minimize light trespassing onto abutting properties. Low-flow toilet fixtures will be used, and the performance of the proposed energy systems in the building has been optimized.

The project site has certain characteristics that help make it sustainable. The project uses an already-built site with existing infrastructure, and is accessible to public transportation. The developer has provided a landscaped rain garden and bio-retention area at the rear of the site to help reduce water runoff. The applicant considered permeable paving for portions of the parking lot, but it was determined that the potential pollutant load created by a commercial parking lot made such paving environmentally unfriendly. The Board finds that the proposal meets this standard.

Section 10.11a-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 retail drugstore use located right next to the high school is convenient for students; school officials have endorsed the use. The site is zoned for commercial use, and has been used in that manner for many decades. The retention of the Atwood House and the siting of the CVS building near the sidewalk have improved the presence the development makes on the avenue. The store obviously provides a convenience to consumers, and is more of a community use than the auto dealership that existed there for decades. The Board finds that the proposal meets this standard.

Section 10.11a-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.

As pointed out above, there are several pharmacies and drug stores in Arlington, but few near the site of the proposed CVS. The nearest is a small pharmacy located in a Stop & Shop supermarket 2/10 of a mile away. The nearest comparable store (a Walgreens east of Arlington Center) is almost 9/10 of a mile away; a Walgreens in Arlington Heights is 1.5 miles away; and the CVS in East Arlington is 1.6 miles away. In addition, the proposed development improves upon the character of the neighborhood by replacing a closed auto dealership. The building design has been changed to be much more in keeping with the appearance of the neighborhood. The site is appropriate for retail use. The Board finds that the proposal meets this standard.

DECISION

The Board finds that the proposal is an appropriate re-use of the property, and grants the following special permits, subject to the following general and special conditions:

- Uses 6.16 and 8.17 from the Table of Use Regulations (Sect. 5.04 of the Zoning Bylaw);
- special permit for signs (Sect. 7.09 of the Zoning Bylaw); and,
- special permit for parking (Sect. 8.12 of the Zoning Bylaw).

General Conditions

1. The final plans and specifications for the site; including all buildings, signs, exterior lighting, and landscaping, shall be subject to the approval of the Arlington Redevelopment Board. The Board shall maintain its jurisdiction over plans and specifications by approving them at 50% and 100% of completion.

At the time of submission of the 50% drawings, the applicant shall submit for approval samples of exterior materials proposed for the building, and the specifics of the location, type, and noise levels of all HVAC and refrigeration machinery.

Final plans and specifications shall include complete information concerning colors, materials, lighting, and other features that comprise the details of the final design. The applicant shall provide a statement from the Town Engineer that all proposed utility services have adequate capacity to serve the development.

2. The final plans and specifications approved by the Board for this permit shall be the final plans and specifications submitted to the Building Inspector of the Town of Arlington in connection with the application for building permits. There shall be no substantial or material deviation during construction from the approved plans and specifications without the express written approval of the Arlington Redevelopment Board.

3. No building permit shall be issued until the Board has received evidence that the special permit has been recorded at the registry of deeds.

4. The Board maintains continuing jurisdiction over this permit, and may, after a duly advertised public hearing, attach other conditions, including, but not limited to, restricting the store opening hours, or it may modify these conditions as it deems reasonably appropriate to protect the public interest and welfare. Such modifications shall not require the applicant to modify the size or dimensions of the retail building shown on the approved plan, nor restrict the opening hour to any time later than 8:00 AM.

5. Snow removal from all parts of the site, as well as from any abutting public sidewalks, shall be the responsibility of the owner or occupant, and shall be accomplished in accordance with the Town bylaws.

6. All exterior trash and storage areas on the property, if any, shall be properly screened and maintained in accordance with Title V, Article 9, of the Bylaws of the Town of Arlington.

7. Trash shall be picked up only between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday.

8. No final or permanent Certificate of Occupancy shall issue on this project until the project is completed in its final form, and approved by the Redevelopment Board as being in compliance with the final plans and specifications, including the landscape plan.

9. The Building Inspector 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 10.09 of the Zoning Bylaw, pursuant to the provisions of MGL c. 40, s. 21D, and institute non-criminal complaints. If necessary, the Inspector of Buildings may institute appropriate criminal action also, in accordance with Section 10.09.

Special Conditions

1. All utilities serving or traversing the site (including electric, telephone, cable, and other such lines and equipment) shall be underground.

2. Upon installation of landscaping materials and other site improvements, the applicant shall remain responsible for such materials and improvement, and shall replace and repair such as necessary, to remain in compliance with the approved site plan.

3. All utility work off site in public rights-of-way of the Town of Arlington shall be undertaken in accordance with the provisions of the Town bylaws.
4. Upon the issuance of the building permit, the applicant shall file with the Building Inspector and the Department of Community Safety the names and telephone numbers of contact personnel who may be reached 24 hours each day during the construction period.
5. The Atwood House shall remain at its present location on the site, and reasonable and diligent efforts shall be used to maintain its present condition to prevent any damage from the elements or otherwise, until it is redeveloped. It is acknowledged that ten parking spaces behind the Atwood House are reserved for its use. It is further acknowledged that the plan of the site leaves space behind the Atwood House to accommodate a possible future expansion of the structure, and that no use of that portion of the site will preclude such an expansion. Redevelopment of the house will require the amendment of this special permit, regardless of whether the proposed use of the structure is allowed by right or by special permit (as such are listed in the Arlington Zoning Bylaw). No requests to move or demolish the house by amending this special permit will be made within 24 months of the date of issuance of this permit.
6. The applicant shall install bump-outs and thermo-plastic crosswalks on Mass. Ave. at Carey Drive and at Bartlett Avenue. Bump-outs shall be installed on both sides of Mass. Ave. The design and construction of the bump-outs and crosswalks shall be approved by the Town Engineer, and shall take into account drainage at those locations.
7. Post construction monitoring: The Town will measure traffic volume at the CVS driveway six months, and again twelve months, after the opening of the CVS, and when school is in session, to compare with the analyzed volume data. Driveway traffic volumes will be recorded during the weekday AM (7-9 AM) and PM (4-6 PM) peak periods. Based upon this data, and the safety and performance of the area at least 6 months after opening, the Town will decide what, if any, mitigation is needed on roadways near the site. Possible mitigation may include addition of a left turn lane, or other measures, to improve safety and operations along Mass. Ave. between Carey Drive and the intersection of Jason and Mill Streets, at the Town's discretion. The funding for the mitigation shall be paid from the traffic mitigation escrow account referred to in Condition No. 8 below.
8. CVS will contribute the total sum of \$50,000 to a traffic mitigation escrow account, prior to receipt of an occupancy permit. These funds would first be used for mitigations around the site if it were determined during post-construction monitoring that further mitigation is needed. If it is not needed at the site, it may also be used as a contribution toward improvements at Jason/Mass/Mill Streets. Said escrow account will be closed, and unspent monies returned to CVS, five years after the date of the occupancy permit. All disbursements from the CVS escrow account will be subject to the approval of the ARB.
9. Prior to receiving a building permit, the applicant shall submit to the ARB for its review a plan for reduction of energy use, including use of energy-efficient lighting and appliances, to be incorporated into the plans and specifications.

10. Changes to signage, such as wording, color, or material of construction, but not changes in the number, location, or size of signs, may be deemed by the Planning Director to be consistent with the existing special permit, and such changes may be made by sign permit.

11. In accordance with Standard EDR-5, the applicant is required to post a bond in the amount of \$1,500 as security that the storm drain system will be maintained in good working order. The ARB may use the funds to conduct cleaning and maintenance of the system if the applicant fails to do so. Town personnel, or the Town's agents, may enter upon the property to perform such cleaning and maintenance.

12. This permit is contingent upon the applicant receiving an Order of Conditions from the Arlington Conservation Commission for the project essentially as approved by the Arlington Redevelopment Board.

13. The drive-thru pharmacy shall be open only between the hours of 8:00 AM and 10:00 PM, and only when the main store is open, and only pharmacy and pharmacy-related items (but not general merchandise) may be sold through the drive-thru window. Bicyclists will be allowed to use the drive-thru pharmacy, and "No Idling" signs will be posted for vehicles using the drive-thru. Pedestrian walkup business will not be allowed.

14. Aside from the shutters described in the approved plans, first floor windows shall not be covered or obscured in any way that prevents a clear view into the store, without the prior written permission of the ARB. No film, paper, or other material, including advertisements, may be used to cover any windows.

15. The applicant shall maintain a clean site at all times, and the landscaped area on the north side of the site, extending down the hill to the property below, shall be cleaned at least once in the spring and once in the fall. Litter and fallen branches and such shall be removed, and trees and shrubs shall be pruned as necessary.



Town of Arlington, Massachusetts

Meeting Minutes (12/6/21)

Summary:

8:15 p.m. Board will review and approve meeting minutes

ATTACHMENTS:

Type	File Name	Description
Reference Material	Agenda_Item_2_-_12062021_Draft_Minutes_Arlington_Redevelopment_Board.pdf	12062021 Draft Minutes Arlington Redevelopment Board

Arlington Redevelopment Board
Monday, December 6, 2021, 7:30 PM
Meeting Conducted Remotely via Zoom
Meeting Minutes

This meeting was recorded by ACMI.

PRESENT: Rachel Zsembery (Chair), Eugene Benson, Kin Lau, Melisa Tintocalis, Steve Revilak

STAFF: Jennifer Raitt, Director of Planning and Community Development and Kelly Lynema, Assistant Director

The Chair called the meeting to order and notified all attending that the meeting is being recorded by ACMI.

The Chair explained that 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. This order from Governor Baker allows for meetings to be held remotely during this time to avoid public gatherings.

The Chair introduced the first agenda item, Public Hearing for Docket #3680, Citizens Bank, 699 Mass Ave. The applicant was not available at the time the Chair introduce this agenda item so the Board moved on to an administrative agenda item to give the applicant more time to log into the meeting.

The Chair introduced the fifth agenda item, Meeting Minutes for the 11/1/21 and 11/15/21 meetings.

Mr. Benson moved to approve the 11/1/21 meeting minutes as amended, Ms. Tintocalis seconded, approved 4-0 (Mr. Lau abstained as he was absent for a majority of this meeting.)

Mr. Benson moved to approve the 11/15/21 meeting minutes as amended, Mr. Lau seconded, approved 5-0.

The Chair opened the Public Hearing for Docket #3680 699 Mass Ave. as the applicant has arrived. Tracey Diehl explained that Citizens Bank is rebranding and changing signs and awnings at most of Citizens locations. Ms. Diehl reviewed the changes for the 699 Mass. Ave. location. Ms. Raitt said that this location is mainly changing the signage and most of the changes meet zoning bylaw requirements. This application has come before the Board due to the amount of signage and the few signs that do not meet bylaw requirements. Mr. Lau asked about the dimensions of the roof sign with time and temperature. Ms. Diehl explained that only the logo portion of that sign would change. Mr. Lau said he was not concerned as that sign would be considered existing non-conforming. Mr. Benson asked Ms. Diehl if she had a chance to review the staff memorandum that lists the signs that were missing dimension details, Ms. Diehl confirmed that those signs will be the same size as existing signs. Ms. Lynema asked Ms. Diehl about the height of the awnings, Ms. Diehl confirmed that the awnings will be above the required minimum of 8 feet. Mr. Benson said that the Board has to determine that it is in the public interest to allow larger signs than allowed in the bylaws. Ms. Diehl said that the signs in question are not legible so the larger signs would be legible for motorists. Mr. Benson said that the bylaws were put in place for a reason, and he is not convinced that these changes are in the public interest.

Ms. Tintocalis said she was curious about the number of signs and the need for sign S4, which is facing the parking lot, which does not meet requirements. Ms. Tintocalis asked Ms. Diehl about the awning maintenance to ensure that the awnings do not become sun faded. Ms. Diehl said that the materials are not supposed to fade in the sun and that Citizens would be happy to comply with any required maintenance. Ms. Diehl said that sign S4 is required because the drive through is not connected to the building and the signage is intended to assist customers locate the stand alone drive through.

Mr. Revilak said that there is a provision in the sign bylaw regarding visibility on corners which prohibits signs 20-25 feet

from the corner. Mr. Revilak asked if that portion of the bylaw has been reviewed in regards to the entry signage, S11. Ms. Diehl said that entry sign labeled S11 is on the wall, which would not obstruct the sight triangle.

The Chair had a question about the lighting for front entry sign, labeled S11. Ms. Diehl said that the light bar is a downward facing light intended to give a light wash over the awning, not a bright light and the lettering is not illuminated. The Chair asked if the light bar was intended to be wider than the awning and the window. Ms. Diehl said that the drawing is not accurate, that the light bar will match the width of the awning. Mr. Benson asked if this building was on the list of historic buildings. Ms. Lynema confirmed that the building is on the list of historic buildings and this applicant will have to go before the Historical Commission for review. The Chair opened the floor to public comment. As there were no members of the public in queue to speak, the Chair closed the floor to public comment.

The Chair noted that the applicant agreed to reduce the size of the sign labeled S9 in the plans and the light bar and awning with sign labeled S11 would match the width of the existing windows. The Chair noted that signs labeled S2 and S4 are above the allowable signage size for their locations on the building and would need relief. Mr. Benson said that he does not see anything that makes it in the public interest to allow the signs that larger than what is allowed by the bylaw. Mr. Benson said if the applicant would agree to decrease the size of those signs to meet bylaw requirements he would be ready to approve.

Mr. Lau said that he feels that the one on Mass Ave would be legible from the street but does not feel the sign facing the parking lot is necessary. Mr. Lau said he would like to eliminate sign S4 and give relief for S2, which faces Mass. Ave. Mr. Revilak said that he feels the signs are well proportioned to the island roof itself. Mr. Revilak said he feels that S4 is redundant and would grant relief to S2. Mr. Benson said that sign on the canopy replaces an existing sign on the canopy and does not want to ask the applicant to remove an existing sign and replace another with a sign that is larger than allowed by the bylaw. Mr. Benson would be in favor of the applicant keeping both signs as long as they meet the size required by the bylaw. Ms. Tintocalis said a comparison of the size disparity would be helpful to visualize the changes. Ms. Tintocalis asked about the 20% increase to signage. Ms. Diehl said without dead space the sign might measure just over 21 feet. Ms. Diehl said that shrinking that sign would result in it no longer being legible to motorists on the road. The Chair said that she likes the option of allowing relief for the Mass Ave. facing S2 sign and eliminating the S4 sign or having the applicant decrease the size of both S2 and S4. Mr. Benson said that he would like he signs reduced. Mr. Revilak and Ms. Tintocalis both said they support the Chair's suggested options. The Chair asked Ms. Diehl which option Citizens would prefer. Ms. Diehl said that Citizens would prefer keeping the signage facing Mass. Ave. and asked if Citizens has the option to come back before the Board if Citizens would prefer keeping both signs at the reduced size.

Mr. Lau moved to approve the signage as submitted with the following changes, to reduce the size of the signage for the monument sign labeled S9, to reduce the size of the light bar to match the width of the awning for sign S11, to reduce the size of S2 and S4 to comply with the bylaw or to eliminate sign S4, that faces the parking lot, in order to receive approval for the sign S2, that faces Mass. Ave., as submitted. The awnings must be maintained every two years as suggested by the applicant, Mr. Revilak seconded, approved 4-1 (Mr. Benson opposed).

The Chair introduced the second agenda item, Continued Preliminary discussion of zoning amendments. Ms. Raitt said that a number of people have shared their ideas for possible zoning warrant articles. Annie LaCourt and Laura Wiener reviewed their proposed article regarding Two-Family Housing. Annie LaCourt said that they propose to change the zoning in R0 and R1 districts to allow the construction of two-family buildings by right. Ms. LaCourt said she believes that allowing two-family by right will increase housing production which is compatible with the Housing Production Plan. This change will allow for smaller home construction, the homes that are considered missing from town which are starter or small family homes. This

will help regionally and to make Arlington more affordable for young families, help with the housing crisis, and to create what Ms. LaCourt referred to as naturally more affordable housing. Ms. Wiener said that it increases units without creating physical density, parking, setbacks, so the neighborhoods will still feel the same. Ms. Wiener said that several places are considering no longer zoning for just single-family homes.

Mr. Benson asked about accessory buildings and other structures if detached structures were considered. Ms. LaCourt said that she was thinking about just two-family homes, that the ADU article covers the accessory buildings.

Mr. Lau asked if the Board received a similar proposal within the last few years. Mr. Lau said he would like to look at the comments received at that time and consider the changes at this time. Ms. Raitt said that the Board had a slightly divided vote and there was a recommendation for further study. Mr. Benson wanted to point out that this would not put two-family homes in areas where they never existed, the two-family homes exist there now. Mr. Lau said that he would like to look at this further, that people who purchased a home in a one family home district purchased in those areas for a reason. Mr. Revilak said he presented this idea to the Board two years ago and there was a divided vote. Mr. Revilak said that there was a desire to attach performance standards at that time. Mr. Revilak said he appreciates the simpler approach. Mr. Revilak said that due to the pandemic there has been a rapid increase in housing prices in the last few years, the cost impact of the housing shortage is hitting us harder than it was back in 2020.

Ms. Tintocalis said that this is a progressive approach and will consider this more. Ms. Tintocalis asked if Ms. LaCourt and Ms. Wiener have consulted with any real estate agents regarding fiscal residential real estate analysis, possibilities for teardowns, and parking issues. Ms. Tintocalis said that she appreciates using progressive trends to address a problem. The Chair said that the public's concerns in 2020 were the issues Ms. Tintocalis brought up, property values and parking in their neighborhoods. Mr. Benson said he asked whether there could be a requirement for what the two-family houses would look like and since then the Town approved residential design guidelines.

Mr. Benson asked if would make sense to make design guidelines mandatory for two-family homes in these areas. Ms. Weiner said the footprint requirements would not have to stay the same but setbacks and height would. Ms. Weiner said she agrees that they should look to see what the impacts would be. Ms. Weiner said it would be worth it to see how communities who have adopted these changes are progressing. Ms. LaCourt said that her neighborhood is not the kind of neighborhood she thought she was moving into because the neighborhood has transformed over the last 30 years and the prices of single family homes have skyrocketed. Ms. LaCourt said she thinks the parking is an issue but the current zoning would limit the number of parked cars allowed. Ms. LaCourt said she spoke with a developer who confirmed that developers would build two-family homes because they would make more money. Ms. LaCourt said that simplified performance standards that make sense for Town Meeting might be possible.

The Chair introduced Barbara Thornton to give an overview of her possible zoning warrant article regarding starter homes. Ms. Thornton explained that current zoning encourages the building of McMansions and not starter family homes. Ms. Thornton said that more housing and more diverse kinds of housing needs to be made available. This proposal would include all areas of town and require a change to the FAR and current dimensional requirements to allow for starter homes. The Housing Production Plan reinforces why this is so important, Ms. Thornton read the following statistics from the Housing Production Plan: over 60% of the town falls within its lowest density residential districts R0 and R1, minimum lot sizes of 6,000 and 9,000 feet respectively, the only types of structures allowed in these areas are detached single family dwellings, local zoning does not allow for enough diversity of housing types, a Special Permit is generally required for other types of homes which adds to the construction time, cost, uncertainty, and leaves permit approvals more vulnerable to unwarranted appeals. Ms. Thornton said that the town's housing stock is getting old and will soon need to be rebuilt. If the

zoning is not changed the new homes will maximize the current zoning opportunities, Ms. Thornton said that two 2,000 square foot homes is preferable to one 4,000 square foot home.

Mr. Lau said he would encourage Ms. Thornton to continue developing the proposal. Mr. Lau said that Arlington is lacking aging in place housing in addition to starter homes. Mr. Benson said he thinks that it is a good idea to have smaller homes built to help with diversity in the town. Mr. Benson said that the impetus for this was a question Ms. Thornton posed years ago about the town allowing the construction of smaller homes on non-conforming lots.

Ms. Tintocalis said she appreciates creative ways to create some options. Ms. Tintocalis said that she feels that there are larger market forces and one community cannot solve a lot of the affordable housing issues. Ms. Tintocalis said that exploring this as an option in addition to the work with ADUs but this is a national issue with housing and affordability.

Mr. Revilak suggested that Ms. Thornton look at town homes or single family attached homes, anything to amortize the value of land will help. Most of Arlington's parcels are developed so this would be a very gradual change over time. Mr. Revilak said that Arlington is a community in the middle of redevelopment.

The Chair said that she agrees and is interested to see where this proposal continues evolving to. The Chair said that the proposal should address how gradually the changes would be made, making projections, talking with the real estate developers as was done with Ms. Thornton's ADU article.

Xavid Pretzer introduced his proposal regarding Floor to area ratios in business zoning districts. Mr. Pretzer said that increasing the FAR in these parcels would allow for more mixed-use development, more affordable housing, more housing along public transit corridors, more access to local businesses, more effective use of this accessible base in Arlington. Perhaps doubling the FAR in the B2 and B3 districts, which includes the areas with taller buildings along Mass. Ave. that were constructed before the current FAR limitations. Mr. Benson said that this has been discussed by the Board in the past, this is needed and this proposal should go forward. Mr. Lau said doubling the FAR may not be aggressive enough in some areas. A study would be necessary to determine the FAR within different areas along Mass. Ave. Ms. Tintocalis said that the proposal aligns with the Board's goals and the Master Plan. Mr. Revilak said he is also supportive. Mr. Revilak said a sampling of the non-conforming buildings in business districts and a list of one story buildings that would not be able to add a second story due to the current FAR limitations would be helpful. The Chair said that she is also supportive and said that modeling is important. Positive examples of pre-existing non-conforming structures should be provided to show the potential in those spaces that are unable to add additional stories due to FAR limitations.

Ms. Raitt gave an overview of the Zoning Bylaw Working Group Recommendations. The recommendations include: reducing the number of Business Zoning Districts, reducing the number of uses requiring Special Permits, amending the Special Permit for Large Additions, addressing residential parking issues, amending standards for townhouses. The long range plan recommendations will be included with the Housing Production Plan, which aligns with the Master Plan. The Department completed three long-range plans in 2021, they are: Connect Arlington, the Net Zero Action Plan, and the Fair Housing Action Plan. A release from the State is expected this month with guidance regarding the MBTA Communities Choice legislation, that timeline will not allow for recommendations for the upcoming Town Meeting. Ms. Raitt recommended the following for 2022 Annual Town Meeting: amending special permit for large additions, amending dimensional and parking requirements for multifamily uses, amendments to advance solar ready recommendations, and an amendment to allow two-family homes by right in nominally single-family districts where two-family dwellings were historically commonplace. Ms. Raitt recommended the following for 2022 Special Town Meeting: amendments related to the commercial corridors, recommendations from the Housing Plan, and amendments related to the MBTA Communities

Choice legislation. Mr. Benson said he would like to add building height minimums to part of the package to reduce Business Zoning Districts. Mr. Benson wanted to make sure that it is clear that the amendment to reduce the number of uses requiring Special Permits be a broad overview. Mr. Lau said that he agrees and that the Board should focus on the business corridor. Ms. Tintocalis said she would like to see the amendments related to commercial corridors included with the 2022 Annual Town Meeting so that the Board's amendments do not just focus on housing. Ms. Raitt also reviewed the possibility for two other proposals for Special Town Meeting 2022 street activation/enhanced business district to encourage active uses in certain portions of Mass. Ave and Broadway. The other potential amendment regards street trees. Ms. Raitt said she would like the Board to start drafting the warrant article language in early January. Mr. Revilak said he wants to, in addition to street trees in business districts, talk about converting some parking spaces to additional pedestrian space and/or planting space.

The Chair introduced the third agenda item, Central School. Ms. Raitt reviewed the Memo of Understanding between the Office of the Comptroller and the Board in order to have the Comptroller's office move to Central School offices while the High School is being renovated. Also a lease extension with the Contributory Retirement Board through 11/1/2025. Mr. Benson asked if this tenant pays rent and if rent will increase. Ms. Raitt said they do and it will increase annually per their lease.

Mr. Benson moved to authorize the Chair and Director to execute the MOU for the Comptroller's Office, with updated rent information is as negotiated by Ms. Raitt, and the lease extension for Arlington Contributory Retirement Board office, Mr. Lau seconded, approved 5-0.

The Chair introduced the fourth agenda item, ARB Meeting Schedule for through April 2022. Mr. Benson moved to adopt the meeting schedule for January through April 2022, Mr. Lau seconded, approved 5-0.

The Chair introduced the last agenda item, Open Forum and opened the floor to public comment.

Sanjay Newton commented regarding the concerns about the proposed warrant article allowing two-family homes in one-family zoning. Mr. Newton said that two-family homes are entry level homes, the town is going to change and we have to decide if we want giant single family homes or something else. Mr. Newton said he would like to see something else.

Chris Loreti said the proposed zoning articles related to two-family zoning changes in formerly all single family districts should be transparent about this being a great way to gentrifying the town. This will create two units that are more expensive and will create more tax revenue but not be great for affordability. Mr. Loreti said he has not seen Ms. Thornton's proposal and the all proposal documentation should be posted with the online agenda. Mr. Loreti said regarding FAR discussions that parking and open space should be considered the current FAR limits are not far off.

James Fleming said he loves the FAR article and with that and the two-family article there will be more customers for local businesses.

With no additional members of the public in queue to speak the Chair closed the Open Forum portion of the meeting.

Mr. Lau moved to adjourn, Ms. Tintocalis seconded, approved 5-0.

Meeting adjourned.



Town of Arlington, Massachusetts

Correspondence Received

Summary:

Correspondence received from:
D. Seltzer 12-19-2021

ATTACHMENTS:

	Type	File Name	Description
▯	Reference Material	Correspondence_from_D._Seltzer_received_12192021.pdf	Correspondence from D. Seltzer received 12192021

From: Don Seltzer <timoneer@gmail.com>
To: Rachel Zsembery <rzsembery@town.arlington.ma.us>
Cc: Eugene Benson <EBenson@town.arlington.ma.us>, Jenny Raitt <jrait@town.arlington.ma.us>, JoAnn Robinson <robinsj@rcn.com>, "KLau@town.arlington.ma.us" <KLau@town.arlington.ma.us>, "MTintocalis@town.arlington.ma.us" <MTintocalis@town.arlington.ma.us>, "srevilak@town.arlington.ma.us" <srevilak@town.arlington.ma.us>
Date: Sun, 19 Dec 2021 23:03:13 -0500
Subject: Docket 3348 - 821 & 833 Mass Ave

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To: Chair Redevelopment Board

I wish to call to the attention of the Board a few loose ends regarding the Special Permit for 833 Mass Ave.

There are markings on the sidewalk in front of the Atwood House that suggest that a surveyor has been on the site within the last few months. However, no certified plot plan has been submitted with the various proposals presented to both this Board and the Historical Commission. Last month I presented deed information and an Assessor's map that seem to show possible conflicts with the applicant's plans. The Applicant should provide this Board with a proper certified survey to assist in evaluating between the various options presented.

The 2009 Special Permit required that a landscaped area be provided in front of the CVS that was to be built. This condition was never complied with. In the more recent 2019 decision, this landscaping condition was reemphasized. Two years later, there has been no apparent response to this requirement.

Don Seltzer