

Arlington Redevelopment Board
Monday, August 28, 2023, at 7:30 PM
Select Board Chambers, Town Hall
730 Massachusetts Avenue, Arlington, MA 02476
Meeting Minutes

This meeting was recorded by ACMi.

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

STAFF: Claire Ricker, Director, Planning and Community Development

The Chair called the meeting of the Board to order.

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

July 10, 2023 – The Board had no comments on the minutes. The Chair requested a motion to approve the July 10 minutes. Mr. Lau so moved, Mr. Benson seconded, and the Board voted unanimously in favor.

July 24, 2023 – Mr. Lau had one minor correction. The Board had no further comments on the minutes. The Chair requested a motion to approve the July 24 minutes as amended. Mr. Lau so moved, Mr. Benson seconded, and the Board voted unanimously in favor.

The Chair moved to **Agenda Item 2 – Public Hearing: Docket #3760, 1306-1308 Massachusetts Avenue.**

Natalia Quirino, the designer for the project, and the applicant, Ricardo Bautista, were both present. Ms. Quirino said that the proposed design consists of interior renovation for existing retail space and office space. 1306 Mass Ave is currently an office space, and 1308 Mass Ave is currently a retail space; the applicant’s plan is to switch them. The office space would be for RB Farina Roofing Company, a company serving the area for the past 40 years. They wish to expand their offices and include a showroom for customers. They are not proposing any change to the size of the footprint or to the exterior of the building, except for a new sign. No structural work will be done. The building will be ADA compliant.

Ms. Ricker said that Docket #3760 is an application for a Special Permit for a change of use from retail to commercial office of greater than 3,000 square feet in the B3 Village Business District. Some signage is associated with the project. DPCD received a drawing showing the dimensions of the signs, but no detail or section and no indication of whether the sign will be internally illuminated. The Board will need to decide whether to have the applicant submit detailed drawings of signage to DPCD for review, or whether they need to come back before the Board. Ms. Ricker said that no parking spaces are associated with this property, but that is typical for the area. They did not submit a parking plan. A new office would typically require 7 parking spaces with 2 short-term bicycle spaces and 2 long-term bicycle spaces. The Board may be interested in considering requiring some interior bicycle parking and/or storage on the site.

Mr. Lau asked if the applicant owns or is leasing the building. Ms. Quirino replied that they purchased the building in December 2022. Mr. Lau said that the back courtyard of the building is a mess; it has improper drainage and is always swampy, and it is strewn with debris. It is an eyesore and a breeding ground for insects. He asked if the applicant plans to clean up and drain that space. Ms. Quirino said that they are planning to clean it up and make sure that the area looks good.

Mr. Lau pointed out that there is currently an exterior door that exits to the driveway to Citizens Bank, which the plans indicate will be filled in. Mr. Lau said that if they have an easement there, they could use it as access to two long-term bicycle parking spots for employees. That would enable employees to park on the side without having to drag a bike all the way through the showroom and office. He also asked about means of egress, because other than the front door, the side door they’re planning to fill in is their only other means of egress. Ms. Quirino replied that there is also a back door, but Mr. Lau pointed out that the back door only leads to the back courtyard, which is fully enclosed and would not enable someone to safely leave the building in an emergency. Ms. Quirino said that they could keep the side door open. Mr. Lau said that even if they keep the door, it’s not an acceptable means of egress because it’s not 3 feet wide and has

a curb. The Chair said that the applicant will have to work that through with the Building Department. Mr. Lau pointed out that in order to create a second compliant means of egress, they will probably have to change their interior plans and sacrifice some of the space to create a corridor to a second exit.

Mr. Lau asked where the work trucks for the roofing company would park. Ms. Quirino replied that they have a parking lot in Malden, where their Operations Department is located. The Arlington location will have only their sales team and management.

Mr. Lau is supportive of this project. The storefront has been empty for a long time, and putting something there is good.

Mr. Benson said that he also thinks this a good project and is happy to see the space be used. He asked if they would be able to fit two indoor bicycle parking spaces into the office area. Ms. Quirino replied that they would. Mr. Benson noted that they don't have their own property outside, but they should work with the Town to see if there's a place for additional outdoor bicycle parking. Ms. Quirino agreed.

Mr. Benson asked about their plans for the retail space. Ms. Quirino said that they have no current prospective tenants.

Mr. Benson asked if they plan to have exterior lighting. Ms. Quirino said that they do not. Their only plan for the exterior is a sign, without illumination.

Mr. Revilak is also pleased that this building has a new owner willing to invest in it. He asked about the blue bicycle rack in the northeast corner of the property, and Ms. Quirino said that they plan to keep it.

Mr. Revilak pointed out that the current rendering of the sign does not leave the required space at the top and bottom of the sign (20% of the sign band or 12 inches on the top and bottom, whichever is less). He suggested centering the sign.

The Chair also commented on the sign. She would be comfortable moving for an administrative approval, which means that a detailed signage package must be submitted to DPCD for approval, as long as it falls within the Board's guidelines as to the spacing at the sides and top and bottom. If they're looking for relief from those guidelines, they would need to come back before the Board. She also noted that the building sign band is at a slight pitch, and she would like to see a more detailed rendering that would allow the Board to understand how the sign will be mounted so that it's easily legible. She noted that the black text shown in the current rendering on the dark background is difficult to read. She would encourage them to think about the legibility of the sign as they're working through the final details.

The Board had no further comments, so the Chair opened the floor to public comment. No one responded, so the Chair closed public comment for Docket #3760.

The Chair summarized the potential conditions for approval:

- To submit an application for a sign permit, including a complete sign package. DPCD will determine whether it can be administratively approved because it meets the signage bylaws in the zoning bylaw, or whether the applicant needs to come before the Board again for signage approval.
- To include two interior bicycle parking spaces. Through DPCD, they can also request the Board's bike parking standards, which includes requirements about the types of interior racks that have been approved.
- To work with the Town to locate a space for exterior bike parking.
- To work with the Building Department for all required reviews, which would include a review of the location of a second means of egress.
- To clean and maintain and ensure proper drainage of the rear courtyard.

Mr. Benson noted that the Board would need to both approve the change of use and waive the parking requirements, both of which should be noted in the final decision.

Mr. Benson also commented that the Required Submittal Checklist includes Sustainable Building and Site Design Elements. Applicants are required to either do a solar energy systems assessment or give a detailed explanation of why the project meets an exemption. That was not done in this case. Mr. Benson believes they meet the exemption as a

change of use, so he will not raise it as an issue for this applicant, but in the future, applicants should be told that they must fulfill that requirement on the checklist, or they cannot go before the Board.

The Chair noted for the record that the Board is waiving the requirement for parking on-site that is relative to Section 6.1.5 of the Zoning Bylaws.

Mr. Revilak noted that the property already has a bicycle rack installed, which they are planning to keep, so the condition that they work with the Town to install bike parking is unnecessary. Mr. Lau said the currently existing four-bicycle rack is not the property of the applicant. Mr. Revilak retracted his suggestion.

The Chair asked for a motion to approve Docket #3760, for 1306-1308 Massachusetts Avenue, with the previously stated conditions, noting that approval would involve approving the change of use and waiving the parking requirement. Mr. Lau so moved, and Mr. Benson seconded. The Board voted unanimously.

The Chair moved to **Agenda Item 3 – Public Hearing: Docket #3759, 355 Massachusetts Avenue.**

Seth Morrissey, the architect for the project, represented Sarah Courtney and Matt Owens. Dr. Courtney currently runs her business out of the first floor and wishes to renovate the residential unit above that for the use of herself and her family. This project involves no change of use; there has been a business on the first floor for around 50 years. The bulk of the work is focused on the second and third floor. In order to make the space safer and more livable, they have determined a need to renovate much of the exterior. The building has had multiple additions and renovations over the years, resulting in different levels and heights, some of which has led to water damage. The plan is to add space to the second floor and clean up the rooflines on the rear of the building. The height of the main roof ridge will remain the same but will be extended to the back of the building, simplifying the massing. Replacing the windows is part of the renovation of the second and third floors, and they decided to replace them on the first floor as well to match the upper floors. They're replacing the vinyl siding with new four-inch clapboards typical of the residential neighborhood surrounding the property. They plan to add a porch cover over the existing stone porch to add character and make the entrance more inviting. They plan to leave the main gable in the front and replace the existing windows with traditional double-hung windows. They plan to add paneling detail to all the bay windows, because it is a typical detail with a hardy blank clapboard. They plan to add another covered porch on the rear of the building, which will be the client's main access into the residential space. They plan to add dormers on the third floor to give the client more space. Overall, the goal is to simplify the structure and make it more appealing.

Ms. Ricker said that Docket #3759 is an application by Matt DeMello of DeMello Fine Building and Woodworking for a Special Permit under the jurisdiction of the Board. The applicant seeks approval of significant exterior renovation and addition of a covered porch in a mixed-use building on Mass Ave. She commented that no bicycle parking is included as this is also a residence, and the building driveway serves as the residential driveway. She is not sure if the driveway will also serve the business, but there is ample parking on Mass Ave, which has successfully been used by this business for years. She did speak with Mr. Morrissey about solar; the roof will be solar-ready. The owner is looking into what it will cost to install solar. This is not a historic building, and the use has been in place since at least 1980. In terms of LEED standards, they'll be using Energy Star-certified appliances, mechanical systems, etc.

Mr. Lau said that he has no questions, and he supports the project.

Mr. Benson said that he did not think that the Board would require a bike rack, but he asked if Dr. Courtney would be open to installing one for the use of her clients. Mr. Morrissey said that they did discuss the possibility of a bike rack. However, the site has a retaining wall and would require a significant amount of work to create space for a bike rack. They would prefer not to add a bike rack to the driveway, because that is Dr. Courtney's private residence.

The Board had no further comments, so the Chair opened the floor to public comment. No one responded, so the Chair closed public comment for Docket #3759.

The Chair asked if any Board members had special conditions to be met by the project; they did not.

Mr. Morrissey stated that Dr. Courtney has had to move out of her residence and has been unable to work in the office space because of the work being done. In order to expedite the process and enable Dr. Courtney to more quickly return to her home and work, he asked for a waiver of the 20-day appeals period after the Board's decision. The Chair replied

that the Board cannot waive the appeals period. Mr. Lau said that the applicant can proceed at their own risk. If they do so and the project is challenged during the appeals period, the applicant may have to undo work that's already been done. Other projects have proceeded at their own risk in the past. The Chair noted that they would still need to pull a building permit.

The Chair asked for a motion to approve Docket #3759, for 355 Massachusetts Avenue. Mr. Lau so moved, and Mr. Benson seconded. The Board voted unanimously.

The Chair moved to **Agenda Item 4 – Public Hearing Docket #3752, Calyx Peak, 251 Summer Street.**

The applicant was not present. Ms. Ricker stated that at 10:35 this morning, she received an email from the applicant asking that this hearing be continued at least until October 2. The current plan for the project is that the property will be divided into two parts. The property owner would maintain an automobile sales business on a portion of the property, and Calyx Peak would operate a cannabis dispensary on the other portion. The property owner and the applicant have both asked the Board if they would be willing to evaluate the Calyx Peak project separately from the auto sales business, even though they will be on the same property. The owner does not wish to make improvements to the auto sales side of the property, while Calyx Peak would be making improvements to the portion of the property with the cannabis dispensary. According to Town Counsel Doug Heim, it is at the discretion of the Board whether they are willing to evaluate the project in this way. The project as it is currently proposed, with the two uses on the same site, has not been reviewed by the Select Board, the Department of Health and Human Services, or the Arlington Police Department. The original project as presented to those entities to secure the host agreement showed Calyx Peak operating the cannabis dispensary as a single business, without co-location of the auto sales.

The Chair said that there are two points on which the Board needs to come to consensus:

- Does the project need to go back in front of the Select Board, HHS, and APD before the Board reviews it? Are the proposed changes substantial enough that it must be re-reviewed in terms of the host agreement?
- If the Board determines that the project does not need re-review, is the Board willing to continue the hearing to October 2?

Mr. Lau said that he thinks the project has changed enough that the applicant needs to go back to the other entities, and only return to the ARB once the host agreement has been reviewed.

Mr. Benson said he thinks that the question of whether the applicant needs to go back to the Select Board is not up to the Redevelopment Board. If the Select Board, HHS, and APD are comfortable with the new proposal and do not think that they need to review it again, he would be comfortable reviewing a new proposal from Calyx Peak, but not the current proposal. He would need to understand exactly how they plan to deal with the shared site. He also noted that the Board does not have a traffic study in its record. The Board cannot make a decision based on a traffic study that was only shared with the Select Board. In addition, the traffic study is a few years old and was based only on the presence of the cannabis dispensary, not the auto sales location. The Board should require an entirely new traffic study based on the two businesses co-locating and on current traffic conditions.

Mr. Revilak would also defer to the Select Board, HHS, and APD about whether they felt another review was necessary. If they did not, he would be comfortable reviewing the project on its merits.

The Chair agreed and said that the Board should ask the applicant to approach the other three entities to determine whether a new review would be required. She also asked if the Board feels that the project has changed enough that rather than continue the hearing, it should ask the applicant to reapply, because it is a substantially different project at this point. She leans toward asking the applicant to reapply.

Mr. Lau said that he would like to close this hearing for Docket #3752, and to ask the applicant to approach the Select Board, HHS, and APD. Once the applicant has approval from those entities, they can reapply to the Redevelopment Board. He also noted that Calyx Peak has cancelled hearings three times now.

Mr. Benson said that he would be fine with the applicant submitting a revised proposal under their current application.

Mr. Revilak agrees with Mr. Lau that this Docket should be closed. He asked if the Board can close the Docket or if the applicant would have to withdraw. Ms. Ricker said that she thinks the applicant would have to withdraw, and she can convey that request to the applicant.

The Chair asked for a motion to request that the applicant withdraw the current application, that they approach the Select Board, the Arlington Police Department, and the Department of Health and Human Services to determine whether a new host community agreement would be required, and that they reapply to the Redevelopment Board when a host community agreement is confirmed to be in place and their materials about their plans are fully compiled. Mr. Lau so moved, and Mr. Revilak seconded. The Board approved unanimously.

The Chair stated that at a future Board meeting, they will either vote to accept the applicant's withdrawal, or they will vote against the current application as it stands, either of which will close Docket #3752. She proposed giving the applicant until October 2 to formally withdraw.

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

The Chair invited anyone attending the meeting to address the Board. She said that each speaker would be allowed three minutes.

- Jim Doherty, 68 Brantwood Road – In December 2020, the Board granted approval to the Lexington Hotel. The hearing started prior to COVID, which substantially impacted the hospitality industry. He has tried to communicate with DPCD but has had minimal dialogue. He would like to request getting on the Board's agenda to request a continuation of the approval previously granted. The Chair replied that she and Ms. Ricker have spoken about this, and the Board's intention is to include this issue on the agenda for the Board's October 2 meeting.

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

Ms. Ricker stated that DPCD has received updated guidelines from the Commonwealth with regard to MBTA Communities, as it relates to commercial development. She and Sanjay Newton, the Chair of the MBTA Communities Working Group, are developing a memo in response to the updated guidelines. They think that the work done thus far is solid, and the bonuses and incentives for commercial development go further than the updated guidelines. The fact that the MBTA Communities zoning district has stayed out of all commercial zones means that the updated guidelines have a minimal effect on the current MBTA Communities plan. The memo is not yet available, but Ms. Ricker and Mr. Newton will distribute the memo at the MBTA Communities Working Group tomorrow (August 29, 2023).

Mr. Benson said that his initial response to the updated guidelines is that they probably wouldn't be very helpful for Arlington. However, because he has been out of the country, he hasn't seen the latest map and all the current details of the MBTA Communities plan, so he doesn't have the context to really judge how the updated guidelines will affect it. His thinking up to this point has been that if a developer opts into the bonuses, it becomes a Special Permit process. He thinks that this is a better way to evaluate mixed-use developments than creating a Site Plan Review which does not give the Board as much authority and leeway as putting it in Special Permit Review. He also thinks that this is a better way to approach the situation than what the updated guidelines suggest.

Mr. Revilak said that he does not think that it is necessary to adopt the updated guidelines. The decision to go with bonuses to encourage ground-floor commercial development will achieve the same effect. Because they're not using any parcels in the business or industrial districts, there's no reason to mandate the inclusion of commercial development. He said that he would have to give some additional thought to Mr. Benson's suggestion.

Mr. Lau said that he thinks that the MBTA Communities Working Group will not like Mr. Benson's suggestion. The Working Group has been talking about the bonuses as being by right and therefore not requiring a Special Permit. Mr. Benson's suggestion would mean that for a developer to get any bonuses, they would have to go through the Special Permit process, which might not give them approval. As a result, they will have less of an incentive to do the kinds of mixed-use developments the Board is trying to encourage in order to get the bonuses.

The Chair said that she thinks that the Board needs to see what is being planned for Site Plan Review, because at this point they don't know what exactly will be included in that process. Mr. Benson replied that no matter what is proposed, its criteria will not be as significant and far-reaching as the Special Permit criteria.

Mr. Revilak said that the Working Group is discussing three different bonuses: one for the inclusion of ground-floor commercial space, one for the inclusion of additional affordable units, and one for a project that is certifiable as SITES Gold. He asked Mr. Benson if he would want the Special Permit process to be required for all three of those, or only for the ground-floor commercial bonus. Mr. Benson replied that the Board would need to decide if it likes all three of those bonuses and would want to put them all into the same package. He would probably be okay with Site Plan Review for affordable housing, but he would need to better understand the incentives involved. The Chair said that the Board really needs to see the whole package before they can make such decisions.

Mr. Benson stated that he had heard that the current MBTA Communities plan would not require full SITES certification but only a lesser standard. If that is the case, he is very concerned about taking a standard that took years of the Green Building Council to come up with and stripping things out of it, while still giving people credit for meeting a reduced standard.

The Chair said that the agenda for the Board meeting on September 11 is to review the full MBTA Communities package. September 11 is also the day that the Warrant opens and closes. The Board has several articles outside of MBTA Communities that they have already reviewed and voted on, which were put on the Spring Town Meeting agenda but postponed. Those can easily be put onto the Warrant. They are:

- Modify requirements for landscaped and usable open space in the business districts.
- Reduce rear yard setbacks in business districts.
- Clarify and adjust setback requirements in business districts.
- Eliminate or reduce the reduced height buffer area.
- Modify corner lot requirements.
- Adjust height and story minimums in business districts and add minimum height requirement.

In addition to the above, the Board will need language around the MBTA Communities zoning proposal, which will need to be broad, because it will encompass multiple sections of the zoning code and create an overlay. The Site Plan Review process will be included within that. Ms. Ricker said that in the current plan, the Board will use the Environmental Design Review process as Site Plan Review. Ms. Ricker sent an MBTA Communities package to EOHLC (the Executive Office of Housing and Livable Communities) for pre-adoption review. She will share that package with the Board to be a reference prior to the September 11 meeting.

Because the warrant opens and closes before the September 11 Board meeting, some members of the Board will need to work with Ms. Ricker to write the warrant article language. It must be written such that the Board does not need to review and vote on the language of the warrant (which is not the same as the full language of the article, which they will review and vote on).

The other warrant articles that the Board identified as things they would like on the Town Meeting Warrant are:

- Rezone the St. Camillus parcel. The Board is not currently in a position to pursue that article, so it will be removed from the list for Fall Town Meeting and possibly revisited for Spring Town Meeting.
- Remove single and duplex/two-family by right in the business districts.
- Add street tree requirements for every 25 feet of street frontage for all developments.

The Chair proposed that she work with Ms. Ricker and perhaps Mr. Benson to make sure that appropriate language is submitted in the open warrant article period. This would not affect the Board's hearing process. They would still need to develop the full language for the article. Mr. Lau said he is fine with that proposal. Mr. Benson said that he would like to review the language before the articles are submitted. He thinks that all the warrant articles except the one for MBTA Communities will be simple. He is very concerned about the exact wording of the MBTA Communities warrant article. The Board has at times failed to use the right wording in warrant articles and as a result been unable to do what they wanted to do. Neither he nor the Chair have yet the map or the final proposal from the Working Group, and it is possible

that they will want changes, so the language for the warrant needs to be broad enough to allow for flexibility. Mr. Revilak is comfortable with delegating the drafting of the warrant to the Chair and Ms. Ricker.

Mr. Benson said he would like to include another article with a minor change to one of the zoning bylaw sections. The reference in it is to the wrong section, which needs to be corrected. It should be possible to include that in the warrant as well.

The Chair reported that the Zoning Board of Appeals requested that the Redevelopment Board include two articles. She asked if they would be willing to postpone them until the spring, and they agreed.

Mr. Benson thanked everyone involved in the MBTA Communities process. It's been a long and difficult process that has angered many people, and he knows that everyone involved with it has been getting a lot of feedback, some of it negative. He appreciates how hard they have all worked. The Chair said she wanted to extend that thanks to all the members of the public who have attended meetings and commented there or in other forums, as their feedback has been helpful to the process.

Ms. Ricker informed the Board that the Community Outreach team of the MBTA Communities Working Group has created a postcard to be mailed out to all residents of Arlington. It includes a QR code for the MBTA Communities webpage and encourages people to provide comment at the September 11 meeting. The postcard was sent out this afternoon. A separate postcard with a legal notice about the MBTA Communities hearing at the September 11 meeting will also be going out to approximately 4500 property owners whose properties are in the zone or abut it. Mr. Benson asked what happens if the map changes, and it includes or abuts property owners who didn't receive the first legal notice. Will new notifications be sent to them? Ms. Ricker responded that it is a legal requirement to send out a notice in advance of a hearing to anyone within 300 feet of the edge overlay. She does not anticipate changes to the map that are significant enough to require notifications to a different group of property owners. If that happens, they will be notified.

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

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