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## ARLINGTON REDEVELOPMENT BOARD

Arlington, Massachusetts  
Middlesex, ss

DOCKET NO. 3654

DECISION  
Special Permit Under  
ENVIRONMENTAL DESIGN REVIEW

Applicant: Paul Piatelli, 33 Hope Street, Attleboro, MA  
Property Address: 1050 Massachusetts Avenue, Arlington, Massachusetts 02476

Hearing Date: April 27, 2021  
Date of Decision: April 27, 2021

20 Day Appeal Period Ends: May 24, 2021

**Members**

**Approved**

**Opposed**

Eugene B. Benson

M. DiIorio

Rachel Zamboni

[Signature]

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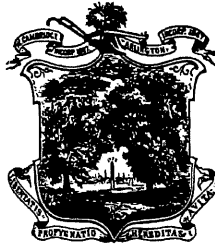
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Town Clerk's Certification

Date



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## Arlington Redevelopment Board

730 Massachusetts Avenue, Arlington, Massachusetts 02476

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### DECISION OF THE BOARD

#### Environmental Design Review Docket #3654, 1050 Massachusetts Avenue April 27, 2021

This Decision applies to the Environmental Design Review Special Permit application by Paul Piatelli, 33 Hope Street, Attleboro, MA, to establish a Del's Lemonade where products are manufactured and packaged and sold at retail on the premises at 1050 Massachusetts Avenue, Arlington, MA, in the B2 Neighborhood Business District. The Board reviewed and approved an Environmental Design Review Special Permit in accordance with the provisions of MGL Chapter 40A § 11, and the Town of Arlington Zoning Bylaw Section 3.4, Environmental Design Review. A public hearing was held on April 27, 2021.

VOTE: The ARB voted (4-0) to approve Docket #3654 on April 27, 2021.

#### Materials reviewed for this Decision:

- Application for EDR Special Permit,
- Floor plans and existing conditions,
- Dimensional information of the proposed signage, and
- Graphics and renderings of signage.

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

1. A fast-order food restaurant is allowed in the B2 Neighborhood Business District.
2. A fast-order food restaurant will add vitality to Brattle Square, a commercial block, and an amenity to people utilizing the Minuteman Bikeway in the vicinity of this block.
3. The fast-order food restaurant will not create undue traffic congestion or impair pedestrian safety. The Owner will ensure accessible passage along the public right-of-way.
4. The fast-order food restaurant will not overload any public utilities.
5. There are no special regulations for this particular use.

6. The fast-order food restaurant will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health and welfare.
7. The fast-order food restaurant will not be in excess or detrimental to the character of the neighborhood.

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

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1. **EDR-1 Preservation of Landscape**

The existing site condition is developed. Trees and soils will not be removed. Grades will not be changed and no alterations to the landscape will be made.

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

Modifications to the windows and signage will not alter the building in relation to the environment.

3. **EDR-3 Open Space**

There currently is not any open space and none is proposed due to the nature of the building in relation to the public sidewalk.

4. **EDR-4 Circulation**

The existing circulation will not change with the introduction of a fast-order food restaurant.

5. **EDR-5 Surface Water Drainage**

There will be no changes to the exterior of the building that will impact surface water drainage or run-off.

6. **EDR-6 Utilities Service**

There will be no changes to the utility service.

7. **EDR-7 Advertising Features**

Signage will comply with Section 6.2 of the Zoning Bylaw. The fast-order food restaurant will include two permanent takeout windows. The indoor operation will be open only to Del's staff. All windows and the door will be transparent. Two existing windows will be replaced with two, double-hung operable commercial aluminum windows. Another window will be stationary and include a menu showing items for sale and pricing and two logos, which will not cover more than 25% of the window area. The door will remain and is also proposed and will include signage in the top window panel. The expanded panel below each window unit will be painted white. The menu signage should either be reduced to 25% of the window area, mounted from the inside, or can include an A-Frame sign board on the sidewalk. No other signage will be allowed on the façade. The existing Projecting Sign face insert will cover the entire sign area of 24" in height and 42" wide and is a continuing nonconforming sign.

**8. EDR-8 Special Features**

No special features are proposed that are incongruous with the surrounding properties.

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**9. EDR-9 Safety**

No changes for this site are proposed that will impact safety.

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**10. EDR-10 Heritage**

The existing structure is not listed on the *Inventory of Historically or Architecturally Significant Properties in the Town of Arlington* nor is it under the jurisdiction of the Arlington Historical Commission. The fast-order food restaurant and façade improvements do not disrupt historic, traditional, or significant uses, structures, or architectural elements.

**11. EDR-11 Microclimate**

There will be no adverse impacts on air and water resources or on temperature levels of the immediate environment.

**12. EDR-12 Sustainable Building and Site Design**

No changes are proposed.

**The Redevelopment Board made the following finding upon approval:**

1. The ARB finds that the project is consistent with Environmental Design Review per Section 3.4 of the Zoning Bylaw.
2. The ARB finds that the project will be compliant with Section 6.2 of the Zoning Bylaw.

**The project must adhere to the following general conditions:**

1. The final façade design and signage shall be subject to final approval by the Department of Planning and Community Development ("the Department"). Any substantial or material deviation during construction from the approved plans and specifications is subject to the written approval of the Department or Arlington Redevelopment Board.
2. The Board maintains continuing jurisdiction over this permit and may, after a duly advertised public hearing, attach other conditions or modify these conditions as it deems appropriate in order to protect the public interest and welfare.
3. Snow removal from all parts of the site, as well as from any abutting public sidewalks, shall be the responsibility of the Owner and shall be accomplished in accordance with Town Bylaws.
4. The Projecting Sign shall not be illuminated between 12:00 AM and 6:00 AM.
5. The Owner shall work with the Department to apply for a café sidewalk seating permit or request parking spaces for outdoor dining through the Arlington Select Board, including

installing planters or other greenery. The Owner shall also work with the Department on identifying opportunities to install a bike rack and other seating in the vicinity and shall pay the costs of a bike rack and installation if so required by the Department.

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6. The Owner should plan to remain open year-round if economics allow
7. The Owner shall provide at least one trash receptacle in front of the restaurant which shall be picked up and emptied daily and removed from the public way when the business is not open. All exterior trash receptacles shall be properly screened and maintained in accordance with the Town Bylaws.

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