



**Town of Arlington  
Redevelopment Board  
730 Massachusetts Avenue  
Arlington, MA 02476**

**Agenda**

The Arlington Redevelopment Board will meet Monday, September 27, 2021 at 7:30 PM via Zoom at use <https://town-arlington-ma-us.zoom.us/j/81902246161> Meeting ID: 819 0224 6161. To call in, dial 1-646-876-9923, 819 0224 6161#. 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](mailto:jraitt@town.arlington.ma.us) by September 27, 2021 at 4:00 p.m. The Board requests that correspondence that includes visual information should be provided by September 24, 2021 at 12:00 p.m.

Time	Agenda Item-	How
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<p style="text-align: center;"><b>7:30 p.m. – 9:15 p.m.</b></p>	<p><b>Continued Public Hearing</b>  <b>Docket #3665, 645 Massachusetts Avenue</b>  Board will continue hearing Special Permit Docket #3665 in accordance with the provisions of MGL Chapter 40A § 11, and the Town of Arlington Zoning Bylaw Section 3.4, Environmental Design Review. The applicant proposes to establish a Chase Bank location on the premises at 645 Massachusetts Avenue, Arlington, MA in the B5 Business District. The continued hearing provides for additional Board review and public comment on the project under Section 3.4, Environmental Design Review and Section 6.2, Signs.</p> <p><b>Public Hearing</b>  <b>Docket #3673, 455-457 Massachusetts Avenue</b>  Notice is herewith given that an application has been filed on August 30, 2021 by 2-14 Medford Street, LLC, 455 Massachusetts Avenue, Suite 1, Arlington, MA, to open Special Permit Docket #3673 in accordance with the provisions of MGL Chapter 40A § 11, and the Town of Arlington Zoning Bylaw Section 3.4, Environmental Design Review. The applicant proposes to renovate existing building spaces and construct a mixed-use building containing retail, restaurants, and 13 residential units, including two affordable units, at 455-457 Massachusetts Avenue and 2-14 Medford Street in the B3 Village Business District. The opening of the Special Permit is to allow the Board to review and approve the development under Section 3.4, Environmental Design Review. This hearing is advertised to begin at 8:00 p.m.</p> <p><b>Continued Public Hearing</b>  <b>Docket #3348, 833 Massachusetts Avenue</b>  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.</p>	<p><i>Please be advised: for the first two public hearings, the following will occur:</i></p> <ul style="list-style-type: none"> <li>- applicants will be provided 15 minutes for a presentation</li> <li>- DPCD staff will discuss public hearing memo</li> <li>-Members of the public will be provided time to comment.</li> <li>-Board members will discuss each docket and may vote.</li> </ul> <p><i>For the third hearing, the Board will receive an update on the status of the property and review compliance with the EDR Special Permit conditions</i></p>
<p><b>9:15 p.m.</b></p>	<p><b>ARB Committee Appointments for ARB Members and Designees</b></p>	<p><i>Board will review and approve ARB representation on various Town committees and vote to approve appointments of Board members and designees on various Town committees</i></p>
<p><b>9:20 p.m.</b></p>	<p><b>Draft FY22 ARB Updated Goals</b></p>	<p><i>Board will review and approve goals</i></p>
<p><b>9:35 p.m.</b></p>	<p><b>Zoning Warrant Article filing process/ coordination with Redevelopment Board</b></p>	<p><i>Board will review their approved Warrant Article filing process discussed in February 2021 and update to prepare for the next Town Meeting</i></p>
<p><b>9:50 p.m.</b></p>	<p><b>Meeting Minutes</b></p>	<p><i>Board will review and approve meeting minutes</i></p>

<p><b>9:55 p.m.</b></p>	<p><b>Open Forum</b></p>	<p><i>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.</i></p>
<p><b>10:15 p.m.</b></p>	<p><b>Estimated time of adjournment</b></p>	
<p><i>Correspondence received:</i></p>		



**Town of Arlington  
Legal Department**

Douglas W. Heim  
Town Counsel

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Arlington, MA 02476  
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Website: [www.arlingtonma.gov](http://www.arlingtonma.gov)

To: Arlington Redevelopment Board;  
Jennifer Raitt, Director of Planning and Community Development

From: Douglas W. Heim, Town Counsel

Date: September 23, 2021

**Re: Special Permit Process for EDR Applications**

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Members of the Arlington Redevelopment Board (“ARB” or “Board”), you inquired as to the appropriate process and standards for hearing special permit applications subject to Environmental Design Review (“EDR”) under your purview; specifically, whether or not the Board should evaluate EDR standards under §3.4.4 if and when the Board (or some of its members) believes that a permit application should be denied for failure to satisfy the more general special permit criteria of §3.3.3. Articulated another way, should the Board essentially bifurcate its “regular” special permit criteria from its EDR standards to implement a rounded or “phased” permitting process where it anticipates a denial? As set forth fully below, this Office does not recommend adopting a phased special permit process for EDR-qualified applications at this time. If the Board were inclined to consider such an approach, it is recommended that your regulations and application materials be updated to more clearly reflect the purpose, parameters, and timing of phased or rounded special permit hearings.

## **Background and Context**

To this Office's understanding, the specific context of the Board's inquiry is a pending special permit application before it subject to EDR which may or may not present an undesirable or excessive use under special permit criteria 3.3.3(B) and (G). Board members inquired whether an initial determination that the proposed use was undesirable and/or excessive might foreclose further review at hearing of EDR standards and form the sufficient basis for a denial. The Director of Planning and Community Development responded that the Board's current practice under the Zoning Bylaw and ARB is not to bifurcate your consideration and decision making, and that a denial should incorporate the Board's full consideration of EDR standards as well as baseline special permit criteria of § 3.3.3. The Board, through its Chair sought further review of the issue and the opinion of this Office.

## **The Bylaw, Rules & Regulations, & EDR**

As noted in prior memos to the Board, you are a body of limited, but special jurisdiction, functioning as a Redevelopment Authority, Planning Board, and Special Permit Granting Authority (SPGA) through the lens of Environmental Design Review ("EDR") as codified in the Zoning Bylaw. Accordingly, approximately 10 percent of the Town's special permit applications are submitted to you, each involving commercial, industrial, larger scale residential, or mixed uses "which have a substantial impact on the character of the town and on traffic, utilities, and property values, thereby affecting the public health, safety and general welfare."

In order to accomplish your goals and realize the ARB's purpose as set forth in the Bylaw, the Board utilizes the more rigorous, but also more flexible and subjective toolkit of the EDR process, which adds to special permitting standards and processes established for predominantly (though not exclusively) residential uses currently governed by the Zoning Board Appeals ("ZBA"). Indeed, §3.4.3 of the Zoning Bylaw outlines a specific procedure for EDR projects which does not apply to "regular" special permits as follows:

### Procedures

A. Application. Applicants shall submit an application for Environmental Design Review in accordance with the Arlington Redevelopment Board's ("Board") rules and regulations.

B. The Board shall hold a public hearing in *accordance with Section 3.3 of this Bylaw* and G.L. c. 40A, §§ 9 and 11.

C. The Board shall refer the application to the Department of Planning and Community Development ("Department"), which shall prepare and submit written reports with recommendations to the Board before or at the public hearing. The Board shall not take final action on the special permit application until it has received the Department's report or until 35 days have elapsed after submittal of the proposal to the Department. Failure of the Department to submit written reports

or to give an oral report at the public hearing shall not invalidate action by the Board.

D. A favorable decision by the Board shall require the votes of at least four members.

*E. The Board shall not deny a special permit under this Section 3.4 unless it finds that the proposed use does not comply with the Environmental Design Review Standards listed below to such a degree that such use would result in a substantial adverse impact upon the character of the neighborhood or the town, and upon traffic, utilities, and public or private investments, thereby conflicting with the purposes of this Bylaw.*

(emphasis added).

Reading §§ 3.4.3 (B) and (E) harmoniously suggests that EDR special permitting reflects a holistic approach whereby the ARB requires information fully responsive to both the Special Permit Criteria set forth in §3.3.3 and the twelve (12) EDR criteria set forth in §3.4.4. These requirements are echoed in Rule 14 of your Rules and Regulations, and further clarified by Rule 15, which states:

#### RULE 15 : BOARD DECISIONS

The ARB shall review the plans and may grant a special permit subject to the conditions and safeguards listed in the Arlington Zoning Bylaw *Section 3.3 and 3.3.4*. For stated reasons the ARB may deny approval of a special permit or may approve a special permit without a finding of hardship. As required by M.G.L. c. 40A, §9, a positive vote of at least four members of the Redevelopment Board is needed to issue a special permit. Upon the Board's approval, the Secretary Ex-Officio may sign decisions following a vote of the Board and file decisions per requirements of M.G.L. c. 40A. The final decision shall be emailed and may receive administrative corrections following the Board's votes.

(emphasis added).

Based on the Bylaw, ARB Rules and Regulations, your application requirements, as well as a review of a collection of past decisions of the Board (and c. 40A), it is clear that in any application for an EDR permit, the applicant must address all the Special Permit Criteria set forth in §3.3.3 *and* the twelve (12) EDR criteria set forth in §3.4.4; and further, any approval decision by the ARB must at least assess and address same.<sup>1</sup> The only question therefore is whether or not a denial (or anticipated denial) would be excused from the same process and standard if rooted in

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<sup>1</sup> It may well be, and indeed several of your decisions reflect, that one or even several specific EDR standards are not central to the ARB's thinking on any given application, and/or that conditions on a permit focus on some EDR standards more than others.

a failure to satisfy §3.3.3. For the reasons discussed below, this Office concurs with the Director of Planning and Community Development’s assessment that your best practice is to utilize the same process in any instance where denial is possible, but not objectively certain on the face of the application.

### Analysis

As an initial matter, the nuance of denials under c. 40A should be noted. On one hand, c. 40A §9 provides that a Special Permit Granting Authority “shall cause to be made a detailed record of its proceedings, indicating the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and setting forth clearly the reason for its decision and of its official actions...” Further, a decision granting a special permit must include any findings required by the municipal ordinance or bylaw, as well as the findings required by the applicable provisions of the Zoning Act. *Sheehan v. Zoning Bd. of Appeals of Plymouth*, 65 Mass. App. Ct. 52, 56 (2005).

On the other, favorable actions require more vigorous support articulating the basis for the grant of a special permit than a denial of same. *Gamache v. Town of Acushnet*, 14 Mass. App. Ct. 215 (1982) (denial of variance based on town’s policy against trailer parks is sufficient absent a clear record to the contrary); *Board of Aldermen of Newton v. Maniace*, 429 Mass. 726 (1999) (even failure to obtain requisite affirmative votes for a draft decision constitutes a sufficient basis for denial). Nonetheless, as a general rule of practice it should be rare that a process is determined by a potential (or even likely) outcome absent a very clear roadmap for fast-tracking a decision or failure to meet entirely objective threshold criteria. In other words, the difficulty in making a decision solely on the basis of §3.3.3 criteria is standardizing the Board’s level of certainty that a vote on a subject criteria – the desirability or concentration of a particular use – preempts all further development of the record.

There are examples where boards and bodies adopt a “phased” or “rounded” process” whereby only some facets of an application are considered in different stages. Under such processes, applications essentially pass or fail (typically on a more narrow set of criteria) before proceeding on to the next stage of analysis with the specific goals identified and served by evaluating only portions of an application. In most of those cases however, there is no prejudicial impact of a denial akin to the two (2) year prohibition on repeat applications found in c. 40A §16. The ARB theoretically could implement such a process. However, at present the ARB’s Rules and Regulations and application materials do not provide a clear roadmap for the goals, timing, or tools necessary of bifurcating EDR special permit applications into §3.3.3 analysis and *then* §3.4.4 analysis at some later phase.

For example, it is not clear when and how the Board would assess an application and take a vote to make a threshold determination on the baseline Special Permit criteria under §3.3 of the Zoning Bylaw. Would an unsuccessful motion to deny based solely on §3.3.3 criteria preclude later denial on the same grounds after application of EDR standards? If a member of the Board

has further bases for denial that have not yet been addressed on the record under EDR, may those concerns be articulated in the decision as well? Are they sufficiently supported in the record?

It is similarly unclear when and to what extent an applicant's response to EDR standards under §3.4.4 can help or hinder the Board's assessment of §3.3 criteria under a bifurcated review. Both your Bylaw and your Rules and Regulations imply interplay between these criteria. There may be circumstances where after the more robust application of EDR, a member of the ARB is persuaded or dissuaded that a given project is more or less responsive to being "essential or desirable to the public convenience or welfare" – one of the baseline §3.3.4 criteria. Similarly, the Board might be deterred by or impressed with an applicants' proposal with regard to EDR criteria "J" ("[w]ith respect to Arlington's heritage, removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties") in such a manner as to inform the desirability of the use under §3.3.3(B).

Moreover, while the standards for denials of special permit applications are more modest than approvals, in order to best defend its decisions and convey the basis for denials to future applicants, the Board may articulate any and all reasons for denial in the most comprehensive manner practicable. Alternately stated, if the Board is denying a permit for *both* causing an excess of use detrimental to the character of a neighborhood (3.3.3(G)) *and* negative findings with respect to relation of buildings to the environment (3.4.4(B)), such denial is all the better supported. Without engaging in EDR, it begs the question of why EDR supporting materials were required in the first instance and could undermine an otherwise valid denial with respect to any basis from the desirability of use (3.3.3(B)) to unduly impairing pedestrian safety (3.3.3(C)).

The foregoing should not be read to imply that the Board may not deny a special permit under EDR for one of the reasons set forth in §3.3.3 such as an excessive use, or that only EDR standards ought to form the basis for approval or denial to the exclusion of §3.3.3. Such a determination however typically involves some subjective, qualitative judgment, which may be informed positively or negatively by application of full EDR standards and process. There may also be rare instances where an application cannot reasonably proceed because the use requested is not permitted in a district and an applicant has submitted despite efforts to persuade them otherwise. This Office is sensitive to the demands upon the ARB's time and attention. It remains however in the Board's interest to fully examine EDR applications under a full EDR process unless objective or procedural denials are merited, and/or Rules and Regulations harmonious to the Zoning Bylaw are developed to support a bifurcated or staged application review.

### **Conclusion**

For the reasons set forth herein, this Office agrees with the Director of Planning and Community Development's recommendation to assess Special Permit Applications before you with both "Special Permit" Criteria under §3.3.3 and EDR Standards under §3.4.4 before voting upon your decisions unless and until the Board commits to a more detailed bifurcated or phased process in your Rules and Regulations.



Redevelopment Representatives on Committees/ Other Appointments

1. Envision Arlington Standing Committee— Alex Bagnall
2. Open Space Committee—Wendy Richter
3. Zoning Bylaw Working Group – Eugene Benson
4. Master Plan Implementation – Melisa Tintocalis
5. Housing Plan Implementation – Steve Revilak
6. Community Preservation Committee—Kin Lau
7. Remote Participation Study Committee – Rachel Zsembery



## ARLINGTON REDEVELOPMENT BOARD

TOWN HALL, 730 MASSACHUSETTS AVE., ARLINGTON, MASSACHUSETTS 02476

TELEPHONE 781-316-3090

### **ARLINGTON REDEVELOPMENT BOARD GOALS**

**September 2021 through June 2022**

#### **I. ZONING BYLAW AMENDMENTS**

##### **1) Advance Zoning Bylaw amendments to future Town Meetings**

- i. *Action – Encourage development and redevelopment opportunities to generate a full range of housing options for all incomes and housing types and encourage mixed-use development, and new commercial development*
  - a) *Complete and adopt Housing Production Plan update. Advance discussions about zoning amendments.*
  - b) *Action - Consider zoning amendments to encourage commercial development along the Massachusetts Ave and Broadway corridors.*
  - c) *Action – Review and amend zoning in Arlington Heights business districts to align with recommendations in Arlington Heights Neighborhood Action Plan as appropriate.*
- ii. *Action - Review Net Zero Action Plan zoning recommendations*
- iii. *Action - Review Connect Arlington (Long-Range Transportation Plan) zoning recommendations*
- iv. *Action – Review forthcoming stormwater management plan and consider potential zoning recommendations*

#### **II. LONG-RANGE PLANNING**

##### **1) Review progress on implementation of the Master Plan**

- i. *Action – Adopt formal amendments to Master Plan based upon recent completion of Connect Arlington and provide amended Master Plan to DHCD accordingly.*
- ii. *Action – Direct Master Plan Implementation Committee to provide ARB with an update on implementation status, status of all Working/ Study Groups, and make recommendations on modifications/ updates that might be needed*
- iii. *Action – Participate on Town Economic Development Working Group (to be formed) to advance economic development goals and objectives.*

##### **2) Ensure transparent, welcoming, and efficient permit review and delivery system**

- i. *Action – In alignment with Town effort to modernize permitting processes, convene representatives from the Select Board, Conservation Commission, Historical Commission, Historic Districts Commission, Zoning Board of Appeals, and Board of Health*

##### **3) Ensure that Master Plan economic development goals and recommendations are achieved in Arlington’s business districts**

- i. *Action – DPCD Director will provide quarterly updates on progress meeting goals, including planning goals, business retention and attraction goals, and new mixed-used development*

##### **4) Request appropriation to hire consultant to update Arlington’s Design Standards**

#### **III. URBAN RENEWAL PLANS AND POWERS**

##### **1) Consider transitioning management of ARB-managed properties back to the Town**

- i. *Action -Work with Town Counsel on filing appropriate warrant article to transition properties.*

##### **2) Utilize Urban Renewal Authority powers**

- i. *Action: Work with Town Counsel to explore urban renewal options in Arlington Center and at site-specific locations along main commercial corridors*
- ii. *Action: Provide updates to Board on Symmes Urban Renewal Plan and property when*

appropriate (Arlington 360 and Brightview and adjacent conservation properties)

#### **IV. SUPPORT COMMUNITY PLANNING GOALS**

- 1) Participate in range of Town committees and initiatives that advance community planning goals**
  - i. Action - Appoint/ re-appoint committee members serving on ARB committees and ARB designees to committees.
  - ii. Action - Collaborate with committee implementing Arlington Heights Action Plan
  - iii. *Action – Receive updates from ARB designees to Envision Arlington Standing Committee, Open Space Committee, Housing Plan Implementation Committee, Community Preservation Committee, Master Plan Implementation Committee, Remote Participation Committee, and others on an ongoing basis.*



# TOWN OF ARLINGTON

DEPARTMENT OF PLANNING and  
COMMUNITY DEVELOPMENT

TOWN HALL, 730 MASSACHUSETTS AVENUE  
ARLINGTON, MASSACHUSETTS 02476  
TELEPHONE 781-316-3090

## Redevelopment Board Review Process and Schedule for 2021 Annual Town Meeting

Date	Process	Description and Action Items
January 29, 2021	Warrant Closes	<p>This is the final date for submission of articles to the Town Meeting warrant.</p> <p><b>ARB Action Item:</b> The ARB will submit any zoning articles to the warrant.</p> <p><b>Petitioner Action Item:</b> Members of the public will submit any zoning articles to the warrant. The ARB recommends that petitioners reach out to the Director and Assistant Director for Planning and Community Development to discuss their article and to learn more about the review timeline. The Planning and Community Development staff is available to provide technical assistance to petitioners throughout the process.</p> <p><b>General Public Action Item:</b> This is the due date for topics (articles on zoning or other topics) to be submitted to warrant for consideration by Town Meeting beginning on April 26, 2021.</p>
February 11, 2021	Legal Notice Published/ Zoning Warrant Articles Posted	<p>As required by M.G.L. Chapter 40A, The Zoning Act, a legal notice will be placed in a local newspaper that identifies the hearing dates, location (all virtual for Town Meeting 2021), and the topics. At the same time, a document will be published that compiles all of the zoning warrant articles and amendment text (known as a main motion) if available.</p> <p><b>ARB Action Item:</b> On behalf of the ARB, DPCD staff submits the legal notice and the compiled zoning warrant articles. Additionally, the DPCD staff will communicate the hearing schedule to all petitioners and other interested parties.</p> <p><b>Petitioner Action Item:</b> At this time, it is important for petitioners to be in touch with DPCD Director and Assistant Director to review the amendment text (main motion) and other relative resources and documents. The DPCD staff is available for technical assistance to any petitioner.</p>

Date	Process	Description and Action Items
		<p><b>General Public Action Item:</b> Once the legal notice is published, the hearing schedule will be published. If you are interested in any of the zoning topics, you can save the date to attend a virtual public hearing with the ARB.</p>
<p>March 1, 2021  March 15, 2021  March 29, 2021  April 5, 2021</p>	<p>ARB Public Hearings</p>	<p>M.G.L. Chapter 40A requires that the ARB hold public hearings to obtain feedback on all of the zoning warrant articles proceeding to Town Meeting.</p> <p><b>ARB Action Item:</b> The ARB will hold public hearings on most Mondays in March to obtain feedback. On behalf of the ARB, the DPCD Director and Assistant Director will communicate the hearing schedule and protocol to all petitioners and coordinate obtaining materials from petitioners for inclusion in the ARB’s meeting packet which is publically accessible.</p> <p><b>Petitioner Action Item:</b> At least a week in advance of a petitioners hearing date, petitioners should provide to the DPCD Director and Assistant Director your amendment text (main motion) and other relevant materials. The petitioner should prepare to make a short presentation (no more than 3-5 minutes) at the public hearing and answer questions from the ARB members regarding the petition.</p> <p><b>General Public Action Item:</b> All public hearings are open for attendance by the general public. You may join and provide feedback based on the information presented or just listen. Written comments are also welcome. All materials will be posted online at <a href="http://arlingtonma.gov/arb">arlingtonma.gov/arb</a>.</p>
<p>Late March/Early April (Actual Dates to be determined)</p>	<p>ARB Votes on Zoning Articles</p>	<p>M.G.L. Chapter 40A requires that the ARB vote on each article and prepare a report for Town Meeting. The ARB can vote to recommend action or recommend no action to Town Meeting. The Report to Town Meeting, which outlines the votes taken and why, is typically written, but can also be given verbally at Town Meeting.</p> <p><b>ARB Action Item:</b> After hearing from all petitioners and interested parties, the ARB will vote on each article and outline their reasons for each vote. The Report to Town Meeting will be finalized and voted on and submitted to Town Meeting Members and posted online for review.</p> <p><b>Petitioner Action Item:</b> Prior to the ARB’s vote, each Petitioner should work with the DPCD Director and Assistant Director to finalize their amendment text (main motion) for consideration by the ARB. Any other relevant information should be provided by the petitioner.</p> <p><b>General Public Action Item:</b> At this stage, all feedback has been obtained by the ARB either verbally or written, the public hearing has closed, and the ARB will vote on each article individually.</p>
<p>April 2021 (Actual Dates to</p>	<p>Public Information</p>	<p>Typically in April 2021, Arlington Town Meeting Members will hold precinct meetings. Additionally,</p>

Date	Process	Description and Action Items
be determined)	Sessions	<p>the ARB may hold public information sessions on the zoning warrant articles.</p> <p><b>ARB Action Item:</b> On behalf of the ARB, DPCD Staff and ARB members will hold virtual public information session(s) to provide an overview the zoning articles to be considered by Town Meeting. The public information session will include time for questions and answers.</p> <p><b>Petitioner Action Item:</b> Petitioners may want to attend the precinct meetings and ARB public information sessions to provide information about their zoning warrant articles.</p> <p><b>General Public Action Item:</b> Attendance at the precinct meetings and at public information sessions will provide a venue to seek additional information and to let your Town Meeting Members know your opinion on any article.</p>
April 26, 2021	Town Meeting Begins	<p>Town Meeting begins on April 26, 2021 and continues on Mondays and Wednesdays until completed. The format for the 2021 Annual Town Meeting will be virtual. The Town Meeting Members will vote on each article. In most cases, zoning articles require an affirmative vote of two-thirds majority of Town Meeting.</p> <p><b>ARB Action Item:</b> The ARB Chair will provide a presentation of the warrant article. DPCD staff may be on hand to provide additional information to respond to Town Meeting Member questions.</p> <p><b>Petitioner Action Item:</b> If the petitioner is not the ARB, the petitioner will be given a chance to present and answer any questions from Town Meeting Members.</p> <p><b>General Public Action Item:</b> The general public can watch the Town Meeting proceedings through ACMi.</p>
Post Town Meeting	Submission to the Attorney General	<p>Towns are required to submit to the Attorney General’s Municipal Law Unit information about zoning articles, the process, and the votes taken. Unless otherwise described in the article, the effective date of a zoning amendment is the date Town Meeting voted.</p> <p><b>ARB Action Item:</b> On behalf of the ARB, the DPCD staff work with the Town Clerk and Town Counsel to prepare and submit the appropriate forms and update the Zoning Bylaw.</p> <p><b>There are no action items for Petitioners and the General Public.</b></p>

If you have any questions about this timeline and process, please contact Erin Zwirko, Assistant Director, Department of Planning and Community Development at 781-316-3091 or [ezwirko@town.arlington.ma.us](mailto:ezwirko@town.arlington.ma.us).

**Arlington Redevelopment Board**  
**Monday, August 30, 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

**STAFF:** Jennifer Raitt, Director of Planning and Community Development and Kelly Lynema, Senior Planner

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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 Hearings, the first hearing is for 29 Mill Street Docket #3662. Mr. Jason Parillo from Bluebird Graphic solutions said that the requested sign is larger than that allowed by the Town sign bylaw. Mr. Parillo said that the size of the requested sign would fit best based on the size of the building and the size of the lot. Ms. Raitt said that the sign is larger than allowed but in this case this request should proceed. Mr. Benson asked about the disparity between the stated sign size between the application forms and the memo. Mr. Parillo said that the size description on the memo is correct. Mr. Parillo said that a smaller sign would make the type on the sign difficult to read. Mr. Benson said that he does not think that approving a sign larger than allowed by the sign bylaw guidelines would be in the public interest. The Chair asked about the bylaw sign measurement with regard to irregularly shaped signs. Ms. Tintocalis asked about the hours that the sign would be illuminated and asked if the sign will be lit using solar power. Mr. Parillo said that Great Sky Solar will be filing a request to install solar panels in the future. Ms. Raitt said that the sign size calculation, considering the irregular shape, would bring the sign into size compliance. The Chair asked to clarify how that the sign is non-compliant with the sign bylaws, Ms. Raitt confirmed the sign is still non-conforming due to the height and area of the signage.

The Chair opened the floor to public comment.

Chris Loreti stated that there is no sign on the building at this time and he does not believe that this sign should be illuminated. Mr. Loreti said that he does not believe that there are other illuminated signs in this area. Mr. Loreti said that the sign is too big, too high, and should only be illuminated during office hours.

With no other members of the public wishing to speak the Chair closed the floor to public comment.

Mr. Lau said he found no issues with this sign. Mr. Lau asked what hours the sign would be illuminated, Mr. Parillo said that they expect to have the sign lit until 8:00 p.m. or 9:00 p.m. in the evenings. Ms. Tintocalis said that she would like the operating hours for the illumined light included with the conditions and would like to see the sign powered by solar in the future. Ms. Raitt confirmed that the bylaw does include rules for the hours of illumination. Mr. Benson said he would like the sign size limited as a condition of the permit since there is a size discrepancy on the application.

Mr. Lau moved to approve Docket #3662 for signage on 29 Mill Street with the following conditions, Ms. Tintocalis seconded, approved 4-0.

Conditions:

No illumination between 9:00 p.m. to 6:00 a.m.

Confirm the approved square footage of the sign

The Chair introduced the next public hearing for Docket #3665, 645 Massachusetts Avenue. Mark Sides from Core States Group representing JP Morgan Chase gave an overview of the application. Ms. Raitt said that the applicant should comply with the bike parking bylaw and to make some changes to the façade and the signage. Ms. Raitt said that the changes being proposed would create challenges to accessibility. Ms. Raitt said that there are several banks and lending institutions in Arlington Center and it would be nice to have a restaurant replace another restaurant. Ms. Raitt asked the Board to consider the liveliness and activity of the streets in Arlington Center. Mr. Lau asked about long term bike parking if JP Morgan Chase will also be leasing the basement space. Mr. Lau said he is concerned about the type of windows shown in the plans for the Mass Ave. façade. Mr. Lau said that the planned blade sign does not fit the character of Mass Ave., he asked if a flat sign could be placed on the driveway side of the building. Mr. Lau asked if the ATM could be relocated to accommodate handicapped access. Mr. Sides said that a ramp will not fit in that space without impeding parking or the sidewalk. Mr. Benson said that he agrees with Mr. Lau regarding the signage and with Ms. Raitt regarding the bicycle parking. Mr. Benson said there has to be a way to make the back door ADA compliant. Mr. Benson said that he agrees with Ms. Raitt's concern of a bank taking the place of a restaurant. Ms. Tintocalis asked Mr. Sides about the decision to locate a bank of this size in Arlington Center. Mr. Sides said that Chase Bank is looking for representation within this community, can host community events, training sessions for the community, and in that respect Chase feels that they offer a unique perspective on banking that is not currently present in the community. Ms. Tintocalis asked how Chase determined they would like representation in the community. Ms. Tintocalis said that there seems to be a growing trend of banks locating in Arlington. Ms. Tintocalis said she is concerned about the excess in use with the aggregation of banks, especially along main streets in this location. The Chair asked Mr. Sides if the bank would consider adding awnings and street seating, which is regularly used by the public. Mr. Sides said Chase was looking to stand out and not use awnings like neighbors and competitors. Ms. Raitt said that the benches are the Town's and part of the right of way and Ms. Raitt asked if the existing street planters could be kept by Chase. The Chair opened the floor to public comment.

Chris Loreti said he appreciates the discussion regarding the number of banks in the area, Mr. Loreti said that this use is detrimental in this location. Mr. Loreti said that B5 zoning district is limited, there are certain uses only allowed in that district. Mr. Loreti suggested that the applicant consider another location outside the immediate town center.

Don Seltzer asked the applicant if this business is just a bank or does it have more of a function beyond that. The Chair said that the applicant already answered this question earlier. Mr. Seltzer asked if the bank would also be a financial center that will draw foot traffic and how many employees are expected to be working at this location.

Steve Revilak said that having this vacant space filled so quickly is a nice surprise. Mr. Revilak said the Arlington just seems to attract a lot of banks, restaurants, and preschools. Mr. Revilak said that the applicant should meet the bike parking requirements.

Colleen Cunningham said that this site is located on the bike path by a busy intersection with a lot of foot traffic. Ms. Cunningham said that this location is suited for a restaurant and not a national bank, next to another national bank.

With no other members of the public wishing to speak the Chair closed the floor to public comment and opened the floor to the Board for comment. Mr. Lau said that there are many empty storefronts on Mass. Ave. that used to be restaurants. Mr. Lau said that wishing this location to be a restaurant is unfair. Mr. Lau said that without businesses Arlington will become a bedroom community. Mr. Benson said that Arlington should welcome Chase but not in a location with so many other banks nearby. Mr. Benson said that a bank will not replicate the foot traffic or vibrancy that was there when it was a restaurant. Ms. Tintocalis said that she agrees with Mr. Benson regarding the change in use. The number of banks, the proximity to each other, linear square footage, and the total square footage. Ms. Tintocalis said that she does not believe that this use



supports the goals of the Master Plan to create a walkable town. Ms. Tintocalis said it is critical to understand what Arlington is looking for, what are our metrics for foot traffic and walkability. Ms. Tintocalis said that she does not support this change at this time. The Chair asked Mr. Sides asked if this location would be a financial center with hours outside of the typical banking hours. Mr. Sides said that this will be a retail banking center with relatively standard banking hours. The Chair said that she is aligned with Mr. Lau and is concerned about turning away what is considered a strong business that is amenable to investing in a building in the center of town. The Chair said she is also concerned about the number of financial institutions in this area. The Chair said that without clear guidance she does not want to make what would be an arbitrary decision based on what is considered to be too many financial institutions on the Mass. Ave. corridor. Mr. Benson asked the Staff to do some research to see if there have been studies in other areas regarding this issue and what the results were. Mr. Lau said that a bank would not open a new branch in an area that is already completely saturated. Mr. Lau said that competition will ultimately create better service for Town residents. Ms. Raitt reminded the Board of the full list of criteria for denying a permit, that use alone is not enough to deny a permit. Mr. Sides asked what would happen in the event of a deadlock since there are currently only four board members. The Chair said that the application would not be approved if there is a deadlock.

Mr. Benson moved to continue this hearing to the September 13, 2021 meeting, Ms. Tintocalis seconded, approved 4-0.

The Chair introduced the public hearing for Docket #3348, 833 Massachusetts Avenue. Ms. Raitt reviewed the Board's decision made in 2009 for CVS, which includes the neighboring property at 821 Mass. Ave., known as the Atwood House. Ms. Raitt said that the terms of the decision included that the Atwood House would be maintained, would not be moved, or have a demolition request submitted within 24 months of the issuance of the 2009 decision. Ms. Raitt said that it has been more than a decade and the Atwood House is now in very bad condition. Ms. Raitt reviewed the memo sent in 2020 to the property owner, Mr. Noyes, listing the Board's requirements. Ms. Raitt said that the applicant was working to file a demolition order but proceeded to start demolition with asbestos remediation, including the exterior siding, before obtaining a building permit. Ms. Raitt said she reported that work had begun without a permit and the Town was able to file a stop work order. Ms. Raitt said that Mr. Noyes was sent a memo listing the bylaw violations and fines. Ms. Raitt said that the applicant then attended the Historical Commission's hearing and the continuation of that hearing is scheduled for the Historical Commission's September 7, 2021 meeting. Ms. Raitt said that the Board should have a conversation regarding what the Board's expectations and discuss what should happen next. Ms. Raitt said that Bob Annese, the property owner Mr. Noyes, the Attorney representing CVS, and Joanne Preston, the Chair of the Historical Commission, are all on the Zoom call this evening to discuss this property with the Board. Mr. Lau said he would like to hear what happened from ownership and what they plan to do with the building. Mr. Annese said there was a miscommunication with Mr. Noyes' employee regarding pursuing the demolition application. Mr. Annese that Mr. Noyes followed the Historical Commission's request to wrap the building and to install a security system. Mr. Annese said that restoring the exterior of the building could cost up to \$150,000.00. Mr. Annese said that Mr. Noyes will continue to pursue the demolition application and would like to come back before the Board with a new proposal that includes demolition of the Atwood House. Ms. Raitt said it is up to the Historical Commission to determine what the next steps should be. Mr. Lau asked if the Board had other options to create some affordable housing instead of waste the \$150,000.00 for a restoration that will be demolished. Ms. Raitt said that Mr. Noyes has several options including donating the property to the Arlington Affordable Housing Trust Fund but they have not disclosed what they would like to do with the property. Mr. Benson asked what the Board has the ability to do since the special permit terms from the 2009 decision were violated and continue to be violated. Ms. Raitt said that the more extreme action could be to revoke the special permit or there may be opportunity for other discussions. Ms. Raitt said that the current condition erodes the long term lease agreement with neighboring CVS and Arlington does not want to discourage keeping and attracting large retailers. Ms. Raitt said that the responsibility for something to happen with that property lies with the Board. Ms. Raitt said that the Board has to make a decision from a spectrum of options: doing nothing, keep having discussions with the property owner, or revoking the special permit. Mr. Annese suggested proposing a new development plan after the hearing with the Historical Commission. Mr. Benson said that he would like to have Mr. Noyes and Mr. Annese appear once a month to update

the Board. Mr. Benson said he would like to see a proposal that keeps the original façade. The Chair said she would like to discuss the timing of permits and the violation of public trust. The Chair said that his has gone on so long and does not want a vacant lot left after the demolition permit has been issued. Ms. Raitt said that there is a demolition delay that will be determined by the Historical Commission that can be up to two years. Mr. Robinson said that the first order of business for the Historical Commission was to restore the exterior of the building. Ms. Raitt notified the Board that Mary Winstanley O'Connor, who represented CVS, is also present. Ms. Tintocalis asked if the Board can question the property owner to find out what his goal is for the building. Mr. Noyes said he would like to develop the space as a mixed use building with residential units in the back. Ms. Tintocalis asked what the implications are if the special permit is revoked. Ms. Raitt said that revoking the permit would be a more challenging pathway to choose and would impact future use. Ms. Raitt said that the bottom line is that the Town would like something done with the property. Ms. Winstanley O'Connor said that CVS is also deeply concerned about the condition of the property. Ms. Winstanley O'Connor said that CVS is putting the landlord on notice that it is reserving its rights and will perhaps take action if something is not done. Mr. Lau said he would also like to see Mr. Noyes monthly for an update.

The Chair opened the floor to public comment.

John Worden said the Noyes family let the Atwood House fall into disrepair so the cost of repairing the exterior is Mr. Noyes' responsibility. Mr. Worden said that the 2019 proposal to move the house forward was worthwhile to save the house.

Steve Revilak asked if the Board, as a redevelopment authority, could determine that this site is blighted and implement an urban renewal plan to remediate it.

Don Seltzer said that one of the provisions of the 2009 Special Permit ruling there was supposed to be some landscaping in front of CVS that is still not there.

With no other members of the public wishing to speak the Chair closed the floor to public comment. The Chair agreed that a monthly check in with Mr. Noyes would assist with next steps and to move this process along.

Mr. Lau moved to continue this hearing for Docket #3348, 833 Massachusetts Avenue to September 27, 2021, Mr. Benson seconded, approved 4-0.

The Chair introduced the second agenda item, ARB Committee Appointments for ARB Members and Designees. The Chair suggested meeting the Standing Committee nominee, who is present, the other appointment introductions will be rescheduled. Ms. Raitt introduced Jagat Adhiya who said it is a pleasure to represent Envision Arlington. Mr. Adhiya said Arlington is changing so it is great to have this opportunity to build up this community. Mr. Adhiya asked what the Board's expectations are for Envision Arlington. Mr. Benson said that Envision Arlington brings a lot of new voices to table, the subcommittees can do important work, and people can choose what they think are the right ways to move the town ahead. The Chair said that there are some interesting plans and studies being conducted and The Chair said she looks forward to how the recommendations are integrated into our community. Mr. Lau said that it can encourage diversity, growth, and the ability to reach out to other people to get diverse opinions.

Mr. Lau moved to approve Mr. Adhiya's nomination to the Envision Arlington Standing Committee, Mr. Benson seconded, approved 4-0.

The Chair introduced the third agenda item, Housing Plan, and Open Space and Recreation Plan updates. Ms. Raitt said she provided a memo and will be happy to answer any questions. Mr. Benson asked if the Housing Production Plan will include a proposal to increase inclusionary zoning. Ms. Raitt said that that should be included with the next phase of the plan.

The Chair introduced the fourth agenda item, Business development update and opportunities. Ms. Raitt put this item on the agenda at Mr. Lau's request. Ms. Raitt said that she would like to collect questions to discuss at the Board's retreat. Mr. Lau asked for a review of the vacant storefronts. Mr. Lau said he would like to hear from commercial brokers to get an overall sense why

the spaces are not being leased so the Board can make any necessary changes. Ms. Raitt said that Ali Carter, Economic Development Coordinator, is preparing to present to the Select Board in October.

The Chair introduced the fifth agenda item, Meeting Minutes.

Mr. Benson moved to accept the June 7, 2021 meeting minutes as submitted, Mr. Lau seconded, approved 4-0.

Mr. Lau moved to accept the June 21, 2021 meeting minutes as submitted, Ms. Tintocalis seconded, approved 4-0.

The Chair opened the floor for the Open Forum portion of the meeting. With no members of the public in queue waiting to speak the Chair closed the Open Forum portion of the meeting.

Mr. Lau moved to adjourn, Ms. Tintocalis seconded, approved 4-0.

Meeting adjourned.

DRAFT

**Arlington Redevelopment Board**  
**September 11, 2021, 8:00 AM**  
**Arlington Police Department, Community Room**  
**Meeting Minutes**

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

**STAFF:** Jennifer Raitt, Director of Planning and Community Development

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The Chair called the meeting to order.

Raitt welcomed Revilak, the Board's new gubernatorial designee. Raitt reviewed first agenda item and discussed Department of Planning and Community Development objectives for this fiscal year as well as accomplishments from last fiscal year. She reviewed the Town's Annual Budget and Financial Plan documents related to the Department and Redevelopment Board. The Board is interested in weighing in on a plan in progress, especially when zoning recommendations are discussed. The Board requested that Raitt add Net Zero Action Plan and Connect Arlington to a future ARB agenda for the Board to endorse the Net Zero Action Plan and to adopt the Connect Arlington plan. The Board also requested that Raitt add Working Group reports to future meeting agendas. They also suggested creating a calendar with specific times for updates. Benson requested a focus on the inclusionary zoning study. Raitt explained that it would not be prudent to hire a consultant at this time and wondered if the Town would learn anything new about the bylaw versus the need to produce more housing to trigger any inclusionary requirement. Raitt suggested that there are amendments that the Board could make to the bylaw that would not require a consultant, including amending the payment in lieu of housing section and the related calculation for payment to the Town. Lau agreed. The Board agreed not to move forward with hiring a consultant at this time.

Lau introduced the importance of focusing on economic development and zoning that can help address commercial uses along the Mass Ave and Broadway corridors. He suggested focusing on amendments to the bylaw to increase floor-area-ratios (FAR) in business districts. Other suggestions included amending parking requirements for residential uses, a bylaw amendment to help create starter homes, and an update to existing design standards. The Board agreed that it was important to pursue an appropriation at next Town Meeting to update the Arlington Design Standards relative to commercial areas. The new industrial zoning incorporated design standards into the bylaw. The Board also agreed to focus on Housing Plan goals and implementation of strategies related to zoning once the plan is complete. Raitt outlined a Town-led application modernization project, which will move the Town to a completely technology-based application format for all Town boards and commissions engaged in project/ application reviews and approvals. Revilak agreed to serve as a rep from the Board on this project.

Given the Board's interest in economic development issues, Raitt mentioned that a new working group will be formed to focus on economic development. The group would include representatives from many groups working on economic development efforts across town. The working group will not be solely focused on zoning, but on multiple issues facing the business districts. The Board discussed several other potential zoning recommendations for the commercial areas, including establishing a minimum percentage of commercial in mixed-use projects and addressing setbacks. There may also be opportunities to amend the zoning map and reduce the number of business districts. This zoning work may occur because of the MBTA Communities planning work. However, municipalities across the state are awaiting guidance from the MBTA and DHCD regarding the substantive changes that will be required to be compliant as an MBTA community. The timeline for releasing that guidance is unclear. Other potential zoning amendments included a suggestion from a member of the Zoning Bylaw Working Group regarding addressing buildings in floodplains by allowing for taller buildings to elevate basements.

Revilak suggested that this and other resiliency zoning efforts are important for the Board to consider.

For a future meeting, the Board would like to have a discussion with Town Counsel regarding their statutory powers and authority around MGL 40A and MGL 121B. At this meeting, it would also be helpful to discuss urban renewal powers in relation to moving forward with redevelopment proposals in the town.

Additionally, the Board would like to discuss the Town Meeting warrant article process at the next meeting. The Board will also make committee appointments at the next meeting and devise a calendar for approximate times when Board members will be required to provide regular reports from committee work. Lau also requested that additional time be added to future public hearings for special permit applications under consideration. He often feels that there is not enough time provided for a full discussion. The Board will also discuss an update to their goals for this current fiscal year.

Mr. Lau moved to adjourn, Ms. Tintocalis seconded, all voted in favor (5-0).

Meeting adjourned at 11:00 a.m.

DRAFT