



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

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## **Public Hearing Memorandum**

*The purpose of this memorandum is to provide the Arlington Redevelopment Board and public with technical information and a planning analysis to assist with the regulatory decision-making process.*

**To:** Arlington Redevelopment Board

**From:** Jennifer Raitt, Secretary Ex-Officio

**Subject:** Environmental Design Review, 88 Freemont Street, #88, Arlington, MA  
Docket #3694

**Date:** April 28, 2022

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### I. Docket Summary

This is an application filed on March 28, 2022, by Francia Brito, 88 Freemont Street, #88, Arlington, MA to open Special Permit Docket #3694 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 add an accessory use of a family child care facility for no more than six (6) children at 88 Freemont Street, #88, Arlington, MA in the R5: Apartment District/Low Density 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.

The Application for EDR Special Permit was submitted for consideration of this application.

### II. Application of Special Permit Criteria (Arlington Zoning Bylaw, Section 3.3)

#### 1. Section 3.3.3.A.

**The use requested is listed as a Special Permit in the use regulations for the applicable district or is so designated elsewhere in this Bylaw.**

A family child care facility is allowed as an accessory use in the R5 Apartment District/Low Density. The Apartment District/Low Density is intended two- to three-story garden apartments, along with small-scale offices on principal arteries. The Board can find that this condition is met.

2. **Section 3.3.3.B.**

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

The Massachusetts Department of Early Education and Care issued a license to the applicant to operate a family child care facility on December 6, 2021. In-home family child care, where one person cares for a smaller number of children in the comfort of their home, is an attractive child care option for many families because of its home-based nature. Providers offer families care in a setting similar to what children are used to in their own home. Because family child care facilities are typically located in residential neighborhoods, many families choose providers in their own neighborhoods, which provides an added convenience. This use would be appropriately located in a residential district. The Board can find that this condition is met.

3. **Section 3.3.3.C.**

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

The family child care facility serves up to six (6) children, with hours of operation from 8:00 am to 5:00 pm. Parents/guardians/caregivers walk to the property during drop-off and pick-up hours, or park along Freemont Street for a brief period of time in the morning and late afternoon. The Board can find that this condition is met.

4. **Section 3.3.3.D.**

**The requested use will not overload any public water, drainage or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety, or the general welfare.**

The requested use will not overload any public utilities. The Board can find that this condition is met.

5. **Section 3.3.3.E.**

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

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

6. **Section 3.3.3.F.**

**The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health or welfare.**

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

**7. Section 3.3.3.G.**

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

The requested use will not be in excess or detrimental to the character of the neighborhood. The Board can find that this condition is met.

**III. Environmental Design Review Standards (Arlington Zoning Bylaw, Section 3.4)**

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

**The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.**

The applicant does not propose to change the landscape as this application is to allow an accessory use within the existing structure. The Board can find that this condition is met.

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

**Proposed development shall be related harmoniously to the terrain and to the use, scale, and architecture of the existing buildings in the vicinity that have functional or visible relationship to the proposed buildings. The Arlington Redevelopment Board may require a modification in massing so as to reduce the effect of shadows on the abutting property in an R0, R1 or R2 district or on public open space.**

The applicant is not proposing any changes to the exterior of the building. The Board can find that this condition is met.

**3. EDR-3 Open Space**

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

There are no changes to open space as a result of this proposal. The Board can find that this condition is met.

**4. EDR-4 Circulation**

With respect to vehicular and pedestrian and bicycle circulation, including entrances, ramps, walkways, drives, and parking, special attention shall be given to location and number of access points to the public streets (especially in relation to existing traffic controls and mass transit facilities), width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, access to community facilities, and arrangement of vehicle parking and bicycle parking areas, including bicycle parking spaces required by Section 6.1.12 that are safe and convenient and, insofar as practicable, do not detract from the use and enjoyment of proposed buildings and structures and the neighboring properties.

The existing circulation does not change. The Board can find that this condition is met.

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

Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Available Best Management Practices for the site should be employed, and include site planning to minimize impervious surface and reduce clearing and re-grading. Best Management Practices may include erosion control and stormwater treatment by means of swales, filters, plantings, roof gardens, native vegetation, and leaching catch basins. Stormwater should be treated at least minimally on the development site; that which cannot be handled on site shall be removed from all roofs, canopies, paved and pooling areas and carried away in an underground drainage system. Surface water in all paved areas shall be collected in intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in the paved areas.

In accordance with Section 3.3.4., the Board may require from any applicant, after consultation with the Director of Public Works, security satisfactory to the Board to insure the maintenance of all stormwater facilities such as catch basins, leaching catch basins, detention basins, swales, etc. within the site. The Board may use funds provided by such security to conduct maintenance that the applicant fails to do.

The Board may adjust in its sole discretion the amount and type of financial security such that it is satisfied that the amount is sufficient to provide for any future maintenance needs.

There will be no changes to the exterior of the building that will impact surface water drainage or run-off. The Board can find that this condition is met.

**6. EDR-6 Utilities Service**

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

There will be no changes to the utility service because of this proposal. The Board can find that this condition is met.

**7. EDR-7 Advertising Features**

**The size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall not detract from the use and enjoyment of proposed buildings and structures and the surrounding properties.**

There is no signage requested for this proposal. The Board can find that this condition is met.

**8. EDR-8 Special Features**

**Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.**

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

**9. EDR-9 Safety**

**With respect to personal safety, all open and enclosed spaces shall be designed to facilitate building evacuation and maximize accessibility by fire, police and other emergency personnel and equipment. Insofar as practicable, all exterior spaces and interior public and semi-public spaces shall be so designed to minimize the fear and probability of personal harm or injury by increasing the potential surveillance by neighboring residents and passersby of any accident or attempted criminal act.**

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

**10. EDR-10 Heritage**

**With respect to Arlington's heritage, removal or disruption of historic, traditional or significant uses, structures or architectural elements shall be minimized insofar as practical whether these exist on the site or on adjacent properties.**

The building at 88 Freemont Street is not listed on the *Inventory of Historically or Architecturally Significant Properties in the Town of Arlington*. The proposed use does not disrupt historic, traditional, or significant uses, structures, or architectural elements. The Board can find that this condition is met.

**11. EDR-11 Microclimate**

**With respect to the localized climatic characteristics of a given area, any development which proposes new structures, new hard surface, ground coverage or the installation of machinery which emits heat, vapor or fumes shall endeavor to**

**minimize insofar as practicable, any adverse impacts on light, air and water resources or on noise and temperature levels of the immediate environment.**

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

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

**Projects are encouraged to incorporate best practices related to sustainable sites, water efficiency, energy and atmosphere, materials and resources, and indoor environmental quality. Applicants must submit a current Green Building Council Leadership in Energy and Environmental Design (LEED) checklist, appropriate to the type of development, annotated with narrative description that indicates how the LEED performance objectives will be incorporated into the project.**

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

**IV. Conditions**

1. Any substantial or material deviation from the approved use is subject to the written approval of the Arlington Redevelopment Board.
2. The Board maintains continuing jurisdiction over this permit and may, after a duly advertised public hearing, attach other conditions, or modify these conditions as it deems appropriate to protect the public interest and welfare.