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Redevelopment Board Minutes 02/13/2012

Minutes of Monday, February 13, 2012, 7:00pm
Arlington Redevelopment Board
Selectmen's Hearing Room, Town Hall
Approved: May 21, 2012

Present: ~Michael Cayer, Bruce Fitzsimmons (Chairman), Ted Fields, Christine Scypinski, Andy West
Also present: Senior Planner Housing Director Laura Wiener, members of the public

The meeting began with an information session for Town Meeting members on draft language for a zoning amendment that would allow accessory apartments. The Chairman provided an overview of how this matter had come to the ARB from a citizen who researched area communities' policies on accessory apartments. Housing Director/Senior Planner Laura Wiener then explained the purpose of the proposed bylaw amendment and elaborated on the results of a Town Meeting Member survey. A member of the audience interrupted repeatedly. The Chair then provided opportunity to hear her comments, including concerns about noise, density, and family matters. The Chair then called a recess. The presentation then resumed and comments were then taken from the public.

Clarissa Rowe, Herbert Road, Town Meeting Member, commented that the proposal was excellent and that having had an illegal accessory apartment was a "life-saver" for her family and promoted an opportunity for legal accessory apartments. She also commented that limiting these to low-income renters, as some had suggested, should be a family decision for the homeowner, not part of the regulation. She added that allowing accessory apartments in accessory buildings should not be allowed as it could encourage major outbuildings.

Chris Loreti, 56 Adams Street and Town Meeting Member asked about the phrase "existing dwelling" in section c) 7 of the draft amendment. He asked whether it was the existing dwelling as of the point of application for permit or as of the adoption of the bylaw. He observed that there would be an incentive to expand existing dwellings. Mr. Loreti said he was not in favor of accessory apartments in accessory structures. He also sought clarification on the need for a second means of egress. He further noted that the 800 square foot maximum size for accessory apartments was large, suggesting it be reduced to 650 or 700 square feet. He suggested basing the parking requirement on the number of bedrooms. Mr. Loreti also asked whether the primary structure had to meet the Stretch Energy Code or just health and safety requirements.

Andrew Fischer, 25 Lombard Road and Town Meeting Member stated he had mixed feelings, since he lived in a larger house but did not like higher density. He approved of the opportunity for homeowners to have an in-law stay with them. He asked for clarification on homeownership, which the Chairman provided. Mr. Fischer thought it would be hard to enforce. He said he favored an on-street overnight parking ban since it was safer.

Bob Radochia, Columbia Road, Town Meeting Member, expressed concern that the passage of the amendment could devalue his neighborhood. He stated he would rather it be written around in-law. He asked if the units would factor into affordable housing, and the Board responded that it would not. Mr. Radochia asked whether the accessory unit would be in the deed. The Chairman responded that the Special Permit was recorded with the deed.

Joe Tulimieri, 27 Hillsdale Road, stated that he serves as the Chair of the Zoning Board of Appeals, the entity that would hear applications for special permits for accessory units. He stated that the ZBA members have provided comments but had not yet met as a Board on this item, and would provide a statement. He commented that the Special Permit Decision would be filed and recorded at the registry of deeds, so that a purchaser would know that if they wanted to continue an accessory apartment use, they would have to occupy a unit. He commented that an inspector would have to make several trips to enforce, which could be a significant enforcement issue. He stated he would like to see comments from Director of Inspectional Services Mike Byrne and enforcement personnel from other communities that allow accessory apartments.

Jonathan Nyberg, 30 Lakeshore Drive, introduced himself as a realtor who worked with people down-sizing but wanting to stay in Arlington. He encouraged the Board not to reduce the proposed maximum size from 800 square feet because handicap hallways take up space. He asked the Board not to penalize the majority who would follow the rules because of the minority who could abuse it.

Mike Wilson, 141 Mt. Vernon Street asked about section c)5, parking, and urged the Board not to require additional parking, and to take it case by case as parking was needed.

Alex Lacroix, 44 Robert Road, commented favorably on this alternative that would allow elderly residents not to leave Arlington.

Ms. Kowalski then read comments from Michael Byrne, and from ZBA member Eugene Lucarelli. Mr. Byrne was concerned about the time to investigate complaints, the difficulty in enforcing the owner-occupancy requirements and the limitation on absences. He was concerned about the budgetary impact of the added enforcement and investigations. Mr. Lucarelli had written that he saw no relationship between the size of the lot for current building purposes and the size of the lot for adding accessory apartments. ~ He was in favor of the proposal regardless of lot size.~ In regard to parking he would like greater flexibility, such as the ability to rent a space from someone else or the ability to park at a school lot or the ability to take public transportation, or to have no parking if the tenant did not own a vehicle. He advised against additional parking requirements.~ He also questioned the need for an independent means of egress and access but urged flexibility if the owner agreed in writing that the accessory user has access, provided that building code was met.

The Board concluded that the comments indicated that it was worthwhile pursuing the amendment. The Board, through staff, sought Mr. Byrne's comments on additional costs to administer and enforce such a bylaw.

The Board then discussed the proposed mixed use zoning bylaw. Mr. West and Ms. Kowalski would work on draft dimensional requirements. The Board agreed to keep the residential use by Special permit, and add an allowance for mixed use by special permit.

The Board then discussed the landscape plan prepared by Arlington 360 for the former Symmes Medical Office Building site. The Board pressed for native plants, an alternative to asphalt for the parking surface, such as tan chip seal, to appear natural and informal, to reduce the amount of bituminous paving, to add bike racks, and asked for the mix to be specified for the hydro seed.

The Board then turned to the minutes of the January 23 meeting. On a motion duly made and seconded, the Board approved the minutes of January 23.

Mr. Fields then moved to adjourn, Ms. Scypinski seconded and the meeting adjourned at 10:05pm.

Documents used: draft accessory apartment bylaw amendment specifications, draft Symmes lower park plan

