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Redevelopment Board Minutes 04/26/2005

Arlington Redevelopment Board
 Minutes 4-26-05

Members Present: Ed Tsoi
 Nora Mann
 Roly Chaput
 Lynne Lowenstein
 Barry Faulkner

Also Attending: Joey Glushko, Planner
 Kevin O'Brien, Director, Planning & Community Development

Ed Tsoi called the meeting to order at 8:00 and opened the public hearing on the proposed zoning change that is the subject of Article 2 of the April 27, 2005 Special Town Meeting.

Ed Tsoi called the meeting to order at 8:00 P.M. and opened the public hearing on Warrant Article 2 of the Special Town Meeting. Ed Tsoi explained the article and explained that the Redevelopment Board proposed the article because the words in the Zoning Bylaw describing the Multi-Use zoning district, "and must contain a significant medical use," intended to assure that there would be a medical use, were, in fact, preventing the creation of a medical use. The words were intended to assure that there would be a medical use, however, the potential buyers of the medical office building expressed concern that the property could be used only for medical use. They worried that if they or someone they got to occupy part of the building were to go out of business because of a change in the medical market, the space could not be used for a general office use in order to pay the rent. They then found they would not be able to get financing for the building in the first place.

Freeland Abbott asked how that future situation would be any different from existing nonconforming uses. It was explained that the use would be created after the passage of zoning unlike a nonconforming use which must pre-exist the zoning.

Jack O'Neil asked if there were a tenant for the medical office building. Jake Upton from E.A. Fish Assoc. explained that they have met with 12 different providers, also brokers, consolidators and such but have been challenged by the fact that Lahey is on site. Mr. O'Neil also said that he'd heard that Fish was charging Lahey too much and forced them off the site.

Charlie Foskett responded that he had been involved in the marketing of the property to Lahey and that many offers have been made, and that the Town has spent over \$2M to keep Lahey on the site.

Lynne Lowenstein added that she didn't want Lahey's corporate uncooperativeness to be confused with the Lahey doctors at Symmes.

Pat Worden said that she wished that she had been consulted earlier because she would recommend that the language be changed to, "include significant medical or commercial use component." She also mentioned that the developer should get a medical real estate marketer. She wondered if the financing were Mass Housing Finance or commercial; the developer told her it was commercial.

Joe Curro indicated that the Land Disposition Agreement still allows the ARB to substitute housing if a medical use can't be built, and suggested that the provision be removed. It might provide comfort to the electorate.

Jackie Harrington submitted a letter opposing the zoning change and saying she thought the ARB misled Town Meeting when it supported the passage of the Worden amendment.

Gerald Harris a doctor with Lahey said that Lahey would be moving temporarily but was very hopeful of moving back to Arlington to continue to serve patients here.

Joe Daley said that we can't start over again and though he was involved in bringing forth the Worden amendment, he now supported its removal.

Elsie Fiore challenged the idea that a zoning bylaw cannot mandate a use.

Charlie Foskett spoke in response indicating that the point is that one has to deal with market forces and if the market won't support a use, it won't happen.

Lee Ellis said that it is not good that the medical use cannot be financed and he would support the article.

Andrew Fischer said he did not support the article and said we should start all over again and see if anyone will offer \$14M for the site.

John Worden said that he thought the bylaw should be amended by eliminating the words "larger scale". He said the \$500,000 penalty was a token amount, and he noted that he knew of medical condos where the use was restricted to medical and people got financing.

Ed Tsoi closed the hearing at 9:40.

Barry Faulkner moved that the article be recommended to Town Meeting as written below

That the Town vote to amend the Zoning Bylaw in Article 3, Section 3.02, Description of Zoning Districts in the definition of the Multi-Use district in the second sentence by deleting the words, "and must include a significant medical use component". Nora Mann seconded the motion and the Board voted 5 to 0 in favor.

The Board continued to discuss the Symmes development with Jake Upton and Patrick McMahon, considering the possibility of changing the affordable housing component to adult foster care as was originally proposed. The discussion was brought up because of an article before Town Meeting that would allow such a concentration of affordable units. The ARB had voted to recommend that Town Meeting vote no action on the article.

The Board decided to hear the 50% review of plans for the St. Pauls Church addition on May 2, 2005.

The meeting adjourned at 10:20 PM.

Respectfully submitted,
 Kevin O'Brien