

Minutes of the Meeting of
March 9, 1987

Present: Mr. Thomas W. Falwell, Chairman
Mrs. Doris M. Cremens
Mr. Philip J. McCarthy
Mr. Edward T.M Tsoi
Mr. Barry Faulkner

In addition: Alan McClennen, Jr., Secretary Ex-Officio; and Kevin O'Brien, Assistant Director of Planning and Community Development.

7:30 p.m. The Board convened in the Hearing Room on the second floor of the Robbins Memorial Town Hall.

Director's Report

1. Recommendation of the Secretary Ex-Officio that the Board vote to permit Nelly J. Carbonell to withdraw her petition without prejudice. Mr. McClennen indicated to the Board that he had received a letter dated March 3, 1987 from Mr. Richard Keshian, counsel to Mrs. Carbonell requesting that Mrs. Carbonell be permitted to withdraw her petition for a special permit without prejudice.

Motion: Moved by Mr. Tsoi, seconded by Mrs. Cremens, that Mrs. Nelly J. Carbonell be permitted to withdraw her petition for a special permit for the property at 1241-1245 Massachusetts Avenue without prejudice. Unanimous vote in favor.

2. Recommendation of the Secretary Ex-Officio that the Board approve final plans and specification for Watermill Place.

Mr. McClennen provided information on the final plans and specifications for Watermill Place. Mr. Tsoi indicated that he had looked at the brick panels and the mortar samples that had been erected on the site. He is also interested in seeing the material proposed for the windows and the insulated panels that will be on the upper stories of the building. He felt that, before the Board approved final plans and specifications, they should receive full information on the widows, stucco, and brick, and particularly where the brick has been used before so that they can observe a complete building with this brick type. After further discussion, the Board approved the following motion.

Motion: Moved by Mr. McCarthy, seconded by Mrs. Cremens, that the Revelopment Board defer the approval of final plans and specifications of Watermill Place until Monday, March 16, at which time the developer should be prepared to submit information on the windows, colors, the Drivit color, and the mortar color. Unanimous vote in favor.

3. Reeds Brook Estates. Mr. McClennen briefed the Board on the current status of Reeds Brook Estates.

4. Time Oldsmobile. Mr. McClennen indicated to the Board that Mr. Freeland is now re-studying the complete Time-Oldsmobile site. He is looking at techniques that could be used to mitigate the concerns expressed last Fall when his permit was denied. He fully expects to return to the Board within several months and request the opportunity to return for a special permit because, in his opinion, his new plans will have resulted in substantive and material changes to what was denied earlier.

5. Dartmouth Lawsuit. Mr. McClennen briefed the Board on the status of the possible litigation with Dartmouth Construction Company indicating that, aside from telephone calls between John Maher and counsel for Dartmouth, no formal legal action has been filed.

6. 23 Maple Street. Mr. McClennen indicated to the Board that he has had preliminary discussions with representatives from Northeastern Family Institute Inc. of Danvers who is interested in leasing 23 Maple Street as a residence for 6 adolescent and early-20's residents. The Northeastern Family Institute has recently received a grant from the Department of Mental Health for a site in Arlington. The proposed lease would be on a net basis, with the Town receiving somewhere between \$30,000-\$35,000 a year, and the developer or manager of the site being responsible for all other costs of the facility. If the site is approved the Redevelopment Board would have to make a number of renovations to the building to return it to a residence. Mr. McClennen indicated that if the Board concurred, he would request that CDBG funds be set aside to undertake these improvements. The Board recommended that Mr. McClennen proceed to explore this tenancy further.

7. Mr. McClennen indicated that he has hired a temporary custodian to assist him with building management matters. He will be advertising formally in the near future to get a full-time custodian who would work on the second shift. This person would be responsible for maintaining the building, and also insuring that the present cleaning contractor complies with all the provisions of the existing contract.

8. Mr. McClennen informed the Board, as a follow-up to his telephone conversations to each member earlier that day that, for several months, he and the Town Manager have been having discussions with representatives of the Stop and Shop Companies concerning Stop and Shop's desire to construct a new Super Stop and Shop to the rear of their present building. The discussions have been kept within the Town Manager's office to this date, because until very recently, it was unclear whether or not the project could work. Mr. McClennen indicated that he and Mr. Marquis told Stop and Shop at the very beginning of the

discussions that it would be absolutely necessary for Stop and Shop to study the site in great detail before there was any public discussion. That work has been ongoing and the Stop and Shop proposal now includes a conceptual plan for a new 60,000 square foot Super Stop and Shop with approximately 260 parking spaces between it and Massachusetts Avenue. The new store would be built on a platform over the former gas tank site at Arlington High School. Due to the change in grade at the site, it is possible to build a collegiate size swimming pool under the Stop and Shop. In addition, approximately 100 parking spaces would be created under the deck. The proposal would require a vote of the School Committee to agree to lease the land to Stop and Shop. If the School Committee were to take that step, then a Special Town Meeting would be necessary to re-zone the land and to seek permission, from the state legislature to lease property for more than 10 years which is the present statutory limit for all town agencies except the Arlington Redevelopment Board. Stop and Shop is planning a public discussion of its plans later in April.

9. Mr. McClennen informed the Board that the Wilfert Brothers, owners of the Old Colony Apartments on Old Colony Lane and the Brentwood Condominiums on Pleasant Street have decided to convert them into condominiums. The sale of the units is being handled by Keenan/Cusack Realtors.

8:00 p.m. The Redevelopment Board continued the hearing on the petition of Rosemal Heritage Realty Trust to construct a new residential condominium at 971-977 Massachusetts Avenue.

Mr. Falwell opened the hearing, indicating that this was a continuation of an earlier hearing of February 2, 1987. Approximately 40 residents were present.

Mr. Paul Maloy, counsel for the petitioner, introduced his partner, Mr. Joseph Steinkraus; Mr. Lou Danapoli, one of the principals; Mr. Thomas Leib, architect for the project; and Mr. Dave Fisher, landscape architect with Larson Associates. Mr. Maloy thanked the Board for the opportunity for the continued public hearing. He indicated that the earlier proposal had contained 53 units, but at the hearing it was discovered that there were several problems with the interpretation of the Zoning Bylaws. The project has now been redesigned to include only 45 units. The required parking has been reduced from 69 spaces to 64 spaces. The building has been moved forward an additional 30 feet. He indicated that the units will now be selling at over \$200,000 each. The project, if approved, will increase the assessed evaluation from a current value of \$475,000 to a new value of \$9,000,000. He indicated that, in addition to the special permit for the use, the petitioner also now required that the Redevelopment Board grant a special permit to permit buildings higher than that allowed in the height buffer area, and he hoped that the Redevelopment Board could find that abutting properties would not be effected by the additional height. Mr.

Maloy also indicated that there was an existing municipal drainage easement. It is not necessary to change that easement; however, the storm drain within the easement will have to be moved in order to accommodate the underground parking structure. Finally, Mr. Maloy indicated to the Board that the petitioner is seeking fewer bonuses under the Zoning Bylaws than he had sought before. Mr. Maloy then introduced Mr. Thomas Leib, from Thomas Leib and Associates Architects, for the project.

Mr. Leib submitted new plans for the project. He indicated that the land coverage of the proposed building is roughly equivalent to what is currently on the site. The redesign has brought the building closer to Massachusetts Avenue. The building is now 30 feet from the rear property line, at its closest point; whereas originally, it was only 7 feet. The original building was 72 feet from Massachusetts Avenue, it is now only 54 feet. Parking will be allocated with 63 spaces in a below-ground garage, and 4 spaces at grade. Trash will be located in a trash compactor 12 feet below-grade near the entrance of the parking garage on the west side of the building. The revised plans also have resulted in an increase in landscaped area around the building. The emergency egress from the parking garage has now been moved from the front yard to the side-yard, although this issue is still being discussed with the Building Inspector. Finally, Mr. Leib reviewed the plans, showing that the front and rear elevations have been redesigned, and they now have more greenhouse bays than proposed earlier.

Mr. Falwell asked if the Building Inspector has now made a determination that the building complies in all respects to the zoning. Particularly, he is interested, if this is a 4-story building, or a 5-story building. Mr. Leib indicated that, it is his belief that the project now complies in all respects with the zoning. He noted that, in the original plans, the grades around the building had been changed, so that the basement apartments actually contain some walk-out units, and there was a possibility that a portion of the building was, in fact, a 5-story building. This has been corrected. Mr. Leib then discussed the plans further, relating this building to the Mill Brook Apartments, immediately adjacent to the west. He showed the new typical floor plans, which are now less efficient than what had been proposed earlier. Mr. Leib then showed a series of shadow studies showing how the building would cast shadows at various times of the year. He noted that in the Spring and Fall Equinox, the banks of Mill Brook cast a shadow into the Brook, and this building would not cause this existing condition to be worse.

Mr. McCarthy asked Mr. Leib where the building is closest at the rear lot line. Mr. Leib showed a plan which indicated that the building came no closer than 30 feet to the rear lot line, which complies with the Zoning Bylaws. He also indicated that the height buffer restriction would limit the building to a 25 foot height. Currently, the building is at 39 feet 9 inches; however, the additional height in the height buffer zone would not cause

any greater shadows along the Mill Brook. Mr. McCarthy asked if they had developed any plans for exterior lighting. Mr. Leib indicated that they had not to this point. He assumed that this issue would be subject to detailed review along with other matters, such as signs.

Mr. McCarthy asked if the developers made any plans to provide public access along the Brook in accordance with the Town's Mill Brook linear park concept and policy. Mr. Maloy indicated that they are more than willing to provide access along the Brook, and as soon as the Town, acting through the Conservation Commission, decides how that linear park connection should be developed, they are prepared to build it. Mr. Maloy said further that they will do it either by easement or with a quit-claim deed, whichever is most appropriate to the Town.

There was then additional discussion about the parking garage, and the penthouse. In response to a question by Mr. Faulkner, Mr. Leib indicated that the roof of the parking garage would be approximately 4.5 feet below the existing grade. As far as the penthouse is concerned, all that is proposed is a tenant meeting room, and this would occupy no more than 20% of the ground floor of the building. Mr. McCarthy asked if there was any problem with the Redevelopment Board prohibiting any residential use of the penthouse. Mr. Leib indicated that there would be no problem whatsoever. In addition, Mr. McCarthy asked if Mr. Maloy agreed that the building was, in fact, within the height buffer district. Mr. Maloy indicated that he concurred, and that, in fact, Wellington Park is a public park not a public right of way. Mr. Maloy reiterated earlier statements that no shadows would be cast on Wellington Park by this building if it was permitted to exceed the height controlled by the height buffer district.

Mr. Falwell indicated that he did have some concern about plant materials over the roof of the garage, and he indicated that if the petition is granted, the Board would maintain jurisdiction over the maintenance of the plant materials.

There being no further discussion by members of the Board, the Chairman opened the meeting to questions from the general public.

A resident of 973 Massachusetts Avenue and owner of a unit on the first floor of the building, Susan Eigo, asked for information about shadows that would be cast on her unit. Mr. Leib indicated that, in certain times of the year, her unit would be in shadow between 9 a.m. and 11:45 a.m. He noted that, at the present time, with the heavy covering of trees along the property line, her unit gets little sun. Mr. Leib also explained the access to the parking garage which would be 12 feet below grade at that side of the site. Finally, in response to another question, Mr. Leib indicated that the building, as proposed, would have 45 dwelling units; 35 of those units would be 2-bedroom units, and 10 would be 1-bedroom units.

Nancy Morrison, also a resident of 993 Massachusetts Avenue, asked for additional information on the landscaping plans and parking. Barry Faulkner, from the Redevelopment Board, indicated that, at present, there is no clear delination between the parking belonging to 993 Massachusetts Avenue and the Cherny site. Ms. Morrison agreed with that statement, and hoped that adequate planting would be provided between the two buildings.

Mr. McCarthy asked if the developer would be willing to indicate how long the construction period might be. Mr. Leib indicated that he felt the building would take between 9 and 10 months to construct, and felt that they could begin work early in the summer. Mr. Leib also indicated that they had one informal meeting with the Conservation Commission, and would proceed, under the Wetlands Protection Act, later in the Spring or early Summer.

Ms. Morrison also had a question about the hours of construction. Mr. Lou Danapoli, one of the principles, indicated that the structural system proposed for this site was a loose slab. That form of construction results in a much more quiet job site.

Mr. Tsoi then raised a series of design questions. He is particularly interested in how far the building would be set back from Massachusetts Avenue. Secondly, he was interested in how far the garage would be from adjacent structures, and whether or not it would be necessary to have sheeting to protect those structures. He was also interested in the issue of access to the garage since it would be accessable only through a 12 foot deep cut on the west side of the building. Mr. Tsoi indicated that he was not pleased with the Massachusetts Avenue elevation. In his opinion, it was not very welcoming. He felt that it was going to be difficult to find the entrance and he recommended that the architect spend time developing a better entrance to that building. He is concerned that, if landscaping is the technique that is used, it may not survive the placement on top of the garage, and the focus on the entrance may be lost. In addition, Mr. Tsoi indicated that one of the key design issues that needs to be addressed, is how the building meets the ground. A one-half-story, at the first level, creates a number of architectural problems and, in his opinion, the architects have yet to properly address this design problem issue. He noted that the building is, in fact, legal, but, in his opinion, it is not architecturally comfortable. He feels that the architect has lost a number of oppportunities with the design of the building. Mr. Leib indicated that he appreciated Mr. Tsoi's comments, he feels the project is now at design development. Following several other questions, the Board adopted the following motion.

Motion: Moved by Mr. McCarthy, seconded by Mrs. Cremens, to recess the hearing to 7:30 p.m. Monday, March 16, 1987 for the purposes of deliberation. Unanimous vote in favor.

Warrant Article 3

Motion: Moved by Mrs. Cremens, seconded by Mr. Tsoi, that Warrant Article 3 be adopted by the Town Meeting. Unanimous vote in favor.

Warrant Article 15

Motion: Moved by Mr. Faulkner, seconded by Mr. McCarthy, that he the Town Meeting take no action on Article 15. Unanimous vote in favor.

Mr. McCarthy also requested the Town Counsel determine how the Building Inspector issued building permits for the undersized lots at this site. Since two of the lots do not contain 6,000 square feet, and recent court decisions have indicated that, if land is held as common ownership, the lots must meet the minimum lot size in the community, which is 6,000 square feet.

Warrant Article 16

The Board decided to defer any decision on Article 16 to a later date.

Warrant Article 95

Motion: Moved by Mr. McCarthy, seconded by Mrs. Cremens, to recommend that Warrant Article 95 be adopted by the Town Meeting. Unanimous vote in favor.

Warrant Article 96

Motion: Moved by Mr. McCarthy, seconded by Mrs. Cremens, to recommend that Warrant Article 96 be adopted by the Town Meeting. Unanimous vote in favor.

Warrant Article 97

Motion: Moved by Mr. McCarthy, seconded by Mrs. Cremens, to recommend that Warrant Article 97 be adopted by the Town Meeting. Unanimous vote in favor.

Warrant Article 99

Motion: Moved by Mr. McCarthy, seconded by Mrs. Cremens, to recommend that Warrant Article 99 be adopted by the Town Meeting. Unanimous vote in favor.

Warrant Article 100

Motion: Moved by Mr. McCarthy, seconded by Mrs. Cremens, to recommend that Warrant Article 100 be adopted by the Town Meeting. Unanimous vote in favor.

Mr. Falwell then indicated to those present that no further public testimony would be taken on March 16. The sole purpose of that meeting will be to deliberate the petition, and if it is deemed to be acceptable, what conditions would be attached to the petition.

9:35 p.m. -Members of the Fair Housing Advisory Committee met with the Board to review housing issues.

Wilson Henderson, Deborah Chang, Howard Cohen, Carlos Dominquez, and Elizabeth Thompson were present. Wilson Henderson expressed appreciation to have an opportunity to meet with the Board. The Fair Housing Advisory Committee is interested in discussing ways in which the Town of Arlington can provide fair and affordable housing. Mr. Falwell indicated that the Board was interested in the same issues. Unfortunately, the Town does not have any linkage program as of yet, although he did note that the developers of Watermill Place have pledged to provide affordable housing units in the marketplace. Mr. McCarthy asked if the Committee could provide him with some indication of what constituted affordable housing. Mr. Henderson did not respond directly to that question. Mr. McCarthy asked if the Committee had any specific action plans in mind. Mr. Henderson indicated that the Committee and the Task Force have spent considerable time addressing this very issue. He felt, at this point, that Arlington must be extremely creative because there is a lack of land on which to build. He felt that reuse of the existing housing stock is one of the most effective ways to produce affordable housing. Mr. Tsoi commented briefly about the issue of fair and affordable housing. He felt that fair housing is not within the domain of the Redevelopment Board; however, affordable housing, quite likely, could be. He felt that there are several techniques that could be used, including ways to write down the construction cost, ways to reduce the rental or mortgage rates, or ways to produce less costly land by permitting a greater number of units. Elizabeth Thompson indicated they are interested in working with the Redevelopment Board to find out what are the most effective tools, what is workable, what is responsible, should the Town get involved in a ban on condominium conversion, should there be a moratorium, are there techniques that could be utilized through linkage programs? Following further discussion, Mr. McClennen summarized a number of techniques that he would suggest be discussed further. The Committee and the Board agreed to work together to try to address this important issue.

The Redevelopment Board reviewed positions on Zoning Articles and recommendations for Town Meeting.

Articles under the Special Town Meeting. Warrant Article 2.

Motion: Moved by Mrs. Cremens, seconded by Mr. Tsoi, to recommend Warrant Article 2 be adopted by the Town Meeting. Unanimous vote in favor.

Warrant Article 101

Motion: Moved by Mr. McCarthy, seconded by Mrs. Cremens, to recommend that Warrant Article 101 be adopted by the Town Meeting. Unanimous vote in favor.

Warrant Article 102

Motion: Moved by Mr. McCarthy, seconded by Mrs. Cremens, to recommend that Warrant Article 102 be adopted by the Town Meeting. Unanimous vote in favor.

Warrant Article 103

Motion: Moved by Mr. McCarthy, seconded by Mrs. Cremens, to recommend that Warrant Article 103 be adopted by the Town Meeting. Unanimous vote in favor.

Warrant Article 104

Motion: Moved by Mr. McCarthy, seconded by Mrs. Cremens, to recommend that Warrant Article 104 be adopted by the Town Meeting. Unanimous vote in favor.

Warrant Article 105

Motion: Moved by Mr. McCarthy, seconded by Mrs. Cremens, to recommend that Warrant Article 105 be adopted by the Town Meeting. Unanimous vote in favor.

Warrant Article 106

Motion: Moved by Mr. McCarthy, seconded by Mrs. Cremens, to recommend that Warrant Article 106 be adopted by the Town Meeting. Unanimous vote in favor.

Warrant Article 108

Motion: Moved by Mr. McCarthy, seconded by Mrs. Cremens, to recommend that no action be taken on Warrant Article 108 by the Town Meeting. Unanimous vote in favor.

Warrant Article 109

Motion: Moved by Mr. McCarthy, seconded by Mrs. Cremens, to recommend that no action be taken on Warrant Article 109 by the Town Meeting. Unanimous vote in favor.

Warrant Article 110

Motion: Moved by Mr. McCarthy, seconded by Mrs. Cremens, to recommend that Warrant Article 110 be adopted by the Town Meeting. Unanimous vote in favor.

Warrant Article 111

Motion: Moved by Mr. McCarthy, seconded by Mrs. Cremens, to recommend that no action be taken on Warrant Article 111 by the Town Meeting. Unanimous vote in favor.

Warrant Article 112

Motion: Moved by Mr. McCarthy, seconded by Mrs. Cremens, to recommend that no action be taken on Warrant Article 112 by the Town Meeting. Unanimous vote in favor.

Warrant Article 114

Motion: Moved by Mr. McCarthy, seconded by Mrs. Cremens, to recommend that no action be taken on Warrant Article 114 by the Town Meeting. Unanimous vote in favor.

Warrant Article 115

Motion: Moved by Mr. McCarthy, seconded by Mrs. Cremens, to recommend that no action be taken on Warrant Article 115 by the Town Meeting. Unanimous vote in favor.

Warrant Article 117

Motion: Moved by Mr. McCarthy, seconded by Mrs. Cremens, to recommend that no action be taken on Warrant Article 117 by the Town Meeting. Unanimous vote in favor.

Respectfully submitted,

Alan McClennen, Jr.
Secretary Ex-Officio

AMcC:cw