

ARLINGTON REDEVELOPMENT BOARD

TOWN HALL - ARLINGTON, MASSACHUSETTS 02174

TELEPHONE 617 643-6700

PUBLIC HEARING

February 13, 1979

Members present: Joseph Tulumieri, Chairman
Edward Tsoi, Vice-chairman
Thomas Falwell
Louis Richman

Also present: Alan McClennen, Jr., Secretary Ex-officio
John Bordes, Redevelopment Planner
Catherine Lu, Planner

8:10 p.m. - The Chairman opened the public hearing and informed the public that it had been properly advertised in accordance with the provisions of the zoning bylaw of the town of Arlington and the Zoning Enabling Act. He also outlined the format for the evening. After receiving an indication from the persons present as to their interest, he announced that Article 90 would be heard first, Article 89 second, Article 88 third, Article 94, fourth and then the remaining articles would be discussed as a group.

Article 90.

Mr. McClennen briefly summarized the proposal submitted under Article 90. The purpose of the article is to rezone a piece of land designated 99A Massachusetts Avenue from R3 to B2.

Mr. George Reynolds of 243 Ridge Street in Arlington, owner of the property at 99A Massachusetts Avenue, asked to speak in favor of the rezoning. He indicated that the purpose of the zoning change was to permit him to work on the structure and move his architectural office into the building. This is not now permitted under the zoning. Mr. Reynolds indicated that when he constructed the building at 99A Massachusetts Avenue his plan was to ultimately extend that building to the rear. Mr. Reynolds indicated that the property is presently occupied as a two-family structure and under the provisions of the zoning it could be converted to a three-family property. He agreed that the place is in a state of disrepair, but he noted that it is impossible to maintain it and improve the structure as a two-family property.

Mr. Victor Valeri of 7 Lee Terrace asked to speak in opposition of the proposed rezoning. Mr. Valeri reviewed the history of the property. He noted that no business can presently be constructed on the property and he stated that if it were rezoned there is no additional room for parking. Mr. Valeri cited his continuous concern over the maintenance of the property noting that he had to fill potholes adjacent to the property because the owner would not. He noted that he had asked the

Board of Health to inspect the property four months ago. It is his understanding that the inspection was made but he does not know what the results were. Mr. Valeri introduced photographs showing the problems with the property. He concluded by requesting that the Board not vote to rezone the property because it would be a significant detriment to the neighborhood, principally due to the increased traffic that would be generated.

Mr. John Flaherty of 19 Amsden Street also spoke in opposition. He cited problems of parking and lack of maintenance of the property. He felt strongly that any intensity of use will create additional problems for the neighbors. He concluded by saying that if any businesses are needed in the area they should be located on Massachusetts Avenue.

Evangeline Kariodontis of 15 Lee Terrace also spoke in opposition to the proposal. She expressed concern about any intensification of use. She noted that there was a neighborhood problem of mice due to the careless attitude of the present tenants. She stated that Mr. Reynolds does nothing to maintain the property and the present tenants of 99 Massachusetts Avenue park on Lee Terrace and cause dangerous congestion. Mr. Robert Valeri, formerly of 7 Lee Terrace, Arlington, noted that he had assisted in the maintenance of the property because the owner had refused.

Marie Ciavattoni of 25 Lee Terrace also spoke in opposition. She expressed concern that any intensification of use in that neighborhood would create a serious problem of congestion, particularly in case of an emergency. She noted that she was extremely concerned about the condition of the property and made specific reference to a bulkhead that is not secure and is dangerous to the small children in the neighborhood. She also noted that the existing parking lot is dangerous to children. In her opinion, the property has gone downhill significantly since Mr. Reynolds acquired it.

Mr. Tsoi of the Redevelopment Board asked Mr. Reynolds to expand on his intentions. Mr. Reynolds stated that he intended to fix up the property and use it. This would include a residing, reglazing and conversion of the interior so that it can be used for his architectural office. Mr. Reynolds noted that parking is a problem everywhere, and he was familiar with the neighborhood since he was born and brought up at 21 Lee Terrace. He stated that many of the clients of offices at 99 Massachusetts Avenue create the parking problem. Part of his problem with the property is that he has been unable to lease all of 99 Massachusetts Avenue and his high vacancy rate prohibits an investment in the property. In his opinion, he is trying to improve the neighborhood and this is the only way.

Mr. Tulimieri asked if he was cited for a health violation. Mr. Reynolds responded that he was, that he corrected the violation and it has been broken again.

The Chairman asked for any further questions or comments. There being none, he declared that the hearing on Article 90 was closed and that the Board would take it under advisement and make a decision later that evening or at a later meeting.

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Article 89.

Mr. Tulimieri opened the public hearing for warrant article 89 and asked Mr. McClennen to review its contents. Mr. McClennen noted that the Arlington Boys' Club had recently surveyed their property and discovered that a portion of the land currently used by the Boys' Club as their parking lot, front walkway and basketball court did not in fact belong to them. The Club has submitted a warrant article, Number 96, requesting permission of the town and the state legislature to assume control of the property. In order to clarify the zoning on the property, the Boys' Club requested that an article be submitted.

Mr. Tulimieri noted for the record that the Board was in receipt of a letter from the Parks and Recreation Commission to the Board of Selectmen dated February 8, 1979. Mr. Tulimieri then asked for anyone wishing to speak in favor of the petition.

Mr. Harry McCabe of Madison Avenue in Arlington, a member of the Board of Directors of the Boys' Club, spoke in favor of the petition. Mr. McCabe noted that the strip as displayed on a plan presented to the Board was a maximum of 12 feet wide and contained about 3,000 square feet of land. Mr. McCabe noted that recently the club found out that it does not own the land although it has been using it for 20 years. He noted that the fence enclosing the outdoor basketball court is located along the west side of the land. Mr. McCabe stated that most of the Boys' Club property is in the R2 zoning district, however, this strip of land is park land and is zoned R1. He stated that it was the opinion of the club that it would be best to have all the land used by the Boys' Club in the same zone. Mr. McCabe stated that since any changes at the club would be subject to a special permit from the Redevelopment Board it was felt that it would be far simpler to have all the land in one zone. He also noted that the current zoning is a divergence from the normal policy of zoning district boundaries in Arlington where the boundaries run along the center line of the street. Mr. McCabe stated that the Boys' Club has no plan at this time to bring before the Arlington Redevelopment Board although some schematic work has been done internally but even that has not been approved by the Arlington Boys' Club board.

Mr. McCabe stated that the Boys' Club presently serves 4,000 children. It is a private, non-profit, charitable corporation with a budget of approximately \$200,000 per year. No child of the town of Arlington gets turned away from club activities. At the present time the club serves approximately 1500 girls. It provides a special program for the elderly on Sunday morning and also provides special programs in swimming for the handicapped. It is in fact a community center. The club wants

to improve and expand the property to serve others since the present logistics in the club is awkward. For example, separate distinct facilities are needed for girls locker rooms. Mr. McCabe stated that when the club has more concrete plans they will request a meeting with the Redevelopment Board. In addition, they will continue to meet with the Park Commissioners to determine how best to utilize all the property on Pond Lane.

Mrs. Bernice Jones of 21 Kensington Road, a member of the Park Commission in the town of Arlington, rose to speak in opposition of the rezoning. Mrs. Jones read the letter from the Park Commissioners dated February 8, 1979 into the record. She indicated that the main concern is the proper use of land in the area. She stated that the Park Commission has no quarrel that the area is used by the Boys' Club, however, the Commission is concerned that the property in question will be attached to the Boys' Club property and then it will become part of an expansion program. And in her opinion the area is already too heavily used. As long as the property stays as park land and its use is controlled by the Park Commissioners, the Boys' Club will be unable to expand. If, on the other hand, the control of the property is transferred, it will then be used for other purposes which could very easily add to the congestion in the area which is caused by Spy Pond Field, the Boys' Club and the Elks. In addition, many of the needs for traffic and parking are unmet and therefore, she sees nothing to be gained from the rezoning.

Mr. Falwell asked Mrs. Jones why she was concerned about zoning when that in and of itself will represent no material change to the use of the land in the area.

Mrs. Jones said that her major concern was congestion and if the town were to permit the Boys' Club to join the two parcels then the Boys' Club could obtain a curb cut for parking on the site and she felt that this was not an appropriate use of the land.

Mr. Tulimieri noted that the Boys' Club would require a special permit whether it was located in an R1 or an R2 zoning district. He asked Mr. McCabe how many spaces were located west of the building. Mr. McCabe responded that he thought there were 14 spaces. In addition, Mr. McCabe agreed to find out what the staff needs of the parking spaces were. Mr. Tulimieri stated that he hoped the Park and Recreation Commission and the Boys' Club could sit down together and work out a mutual solution for the area. In addition, he stated that it is his understanding that Town Counsel is looking into the conditions stated in the Hornblower Trust. Mr. Alan Katz, a member of the Boys' Club board and an attorney, stated that he and Town Counsel will both check this out.

Mr. Richman stated that he had difficulty in understanding the switch in the Park Commissioners on the two articles submitted. Mr. Tsoi stated that the issue was one of two questions. First, whether or not the town meeting would vote to permit the conveyance of the land and second,

whether or not the zoning should be amended. He stated that in his opinion there is no substantial difference between the R1 zoning district and the R2 zoning district.

Mr. Katz stated that the sole desire of the Boys' Club in the zoning amendment is to clean up a problem that will make it complicated to deal with the Boys' Club property.

Mr. McCabe asked to review several points. First, he stated that the Boys' Club does not have a request for a curb cut before the Selectmen and they do not intend to ask for one. He also noted that the Boys' Club has been crossing town land unaware of this problem for 20 years and right now the club does not have legal access to Pond Lane Extension. The club is also committed to long range planning and they wouldn't have come out into the public if they weren't. At the present time the entire planning process of the Club has been stopped pending resolution of this problem. Therefore, the fear that the Boys' Club will do something terrible is unfounded.

Mrs. Jones stated once again that her major concern is control over the use of the land.

There being no further questions on Article 89, the Chairman declared the hearing closed.

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Article 88.

Mr. Tulimieri opened the hearing on warrant article 88 which is a petition to amend the zoning on Prescott Street pertaining to property owned by the Knights of Columbus.

Mr. McClennen briefly reviewed the problem that was discovered when the Knights of Columbus explored the possibility of expanding their property and it was the recommendation of the staff that the zoning be changed to accommodate the club. Any expansion would still require a special permit and attendant public hearings.

Mr. Eddie Doherty, president of the Board of Directors, reviewed the problem. He indicated that the K of C had bought one property in 1939 and a second property in 1941. The Club contains 650 members. At a later date they bought a single family house contiguous to the property. Recently the club has begun to examine the feasibility of expansion and the current zoning would not permit that. Mr. Paul O'Brien of 229 Pheasant Avenue, Grand Knight of the K of C spoke in support of the petition. He noted that at the present time there are no firm plans to expand but the club would like to amend the zoning so that plans could be prepared at a later date. Mr. Joseph Arena, past Grand Knight of the K of C also spoke in support of the rezoning.

Mr. Joseph Gallione, the owner of property at 17 Winslow Street and 9 Russell Terrace spoke in opposition. He indicated that his opposition was that he would rather all the property be rezoned B3 and that his property be included.

Mr. Tulimieri asked Mr. McClennen if this was possible. Mr. McClennen noted that the Board could not amend the petition to include Mr. Gallione's property. There being no further discussion, Mr. Tulimieri closed the hearing on Article 88.

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Article 94.

Mr. Tulimieri opened the hearing on Article 94, a petition by Mr. John V. Toulopoulos to rezone property at 1234 Massachusetts Avenue from B2 to B4. Mr. McClennen briefly reviewed the history of the property noting that the original recommendation of the planning staff in 1975 was to rezone the property R5 since it was owned by Mr. Toulopoulos and is immediately adjacent to an apartment building owned by Mr. Toulopoulos. At that time Mr. Toulopoulos requested that the zoning be changed from R5 to B2. The Redevelopment Board agreed to this and an amendment was made on the town meeting floor of the Special Town Meeting of October, 1975. During the summer of 1978, Mr. Toulopoulos prepared plans and petitioned the Arlington Redevelopment Board for a small retail building on the site. The Redevelopment Board granted a special permit subject to Environmental Design Review with conditions. Mr. Toulopoulos stated that he received bids for the project at \$170,000, \$169,000 and \$154,000. The prime tenant interested in the site could only pay \$6 a square foot and, therefore, the project was not feasible. Mr. Toulopoulos stated that he wanted to change the property to B4 because the only real interest is auto-oriented uses since the property was a gasoline station for 60 years.

Mr. Tulimieri asked what use would go into the property if it were rezoned. Mr. Toulopoulos stated that two banks are interested in constructing branch facilities with drive-in windows on the site.

There being no further questions, Mr. Tulimieri closed the hearing on Article 94.

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Warrant Articles 83, 84, 85, 86, 87, 91, 92 and 93.

Mr. Tulimieri opened the public hearing on the remaining warrant articles. Mr. McClennen briefly reviewed each article. Mr. John Worden, a resident of Jason Street, present with Mr. Harold Seward of Frost Street, the only two persons present for the hearing, suggested that all articles could be discussed at one. Mr. Worden indicated that last year a small group of people submitted a warrant article to the town meeting proposing

that building heights be reduced to what people want. He noted that under Article 83 this small group of people were able to persuade 85% of the town meeting members to support the amendment. In his opinion, this is a clear mandate from the people that they want lower heights and less density. Therefore, he and Mr. Seward are proposing under Articles 91, 92, 93 to continue this process to bring the rest of the bylaw into line with last year's action. This is their only goal. In their opinion it is mandatory that the town make these changes to go on record to show Boston, the planning region and HUD in Washington that their goals are inconsistent with the town's. Mr. Worden stated that the crux of the matter at this point is that there are two sets of proposals, one prepared by the planning staff for the Redevelopment Board and one prepared by ten registered voters. He stated that since the articles are open they hope that the Board and the petitioners can compromise and come up with one article that will not be inconsistent with the present text of the zoning bylaw. Mr. Worden stated that there are two significant differences in the proposals. First, they feel that it is important to move away from the "NA" in the Table of Dimensional Regulations and insert in place a specific maximum number of stories. They recognize that the "NA" permits a greater flexibility in design. However, they also feel strongly that a clear maximum number of stories for each zoning district is far more important than the facility of design. Second, the staff proposal reduces heights in the business districts as well. The proposal of the ten registered voters does not do that. Mr. Worden stated that he disagrees with the additional heights permitted in the business districts but he feels that it is a reasonable compromise because it does not limit tax producing property in the business districts. That is why the proposal as submitted would permit higher buildings in the business districts but limit the number of residential stories to five. This would also apply to the PUD district. Mr. Worden stated again that he hoped that there is room for compromise.

Mr. Tulimieri asked if there was any middle ground proposed at this time. Mr. Worden responded that he would suggest the staff prepare a table showing the comparison between the two and then there be a meeting to discuss it.

Mr. Richman asked Mr. Worden if he was in opposition to Article 83. Mr. Worden responded that technically at this time he was in opposition to 83 and in favor of Articles 91 and 92. However, he requests that no action be taken at this time pending the ability of both sides to sit down and discuss the merits of each.

Mr. Tulimieri asked Mr. Worden if he was in opposition to Articles 84, 85, 86 and 87. Mr. Worden stated that he was not in opposition to any of those articles.

Mr. Tulimieri then asked for any comments on Article 93. Mr. Seward stated that his proposal to delete these provisions of the bylaw is in line with his concern over the population density particularly where it applies to low and moderate income families. In his opinion there is no reason to discriminate against them and they have a hard enough time to support themselves and therefore they need as much space as everybody else. Essentially, they are supported by state or federal government funds and they shouldn't be crowded. He noted that Mr. McClennen had explained to him that the provisions on large dwelling units could apply to subsidized housing as well as luxury condominiums, but, in his opinion, the town of Arlington won't ever have to worry about luxury condominiums being constructed. Mr. Seward also stated that as far as the town having an obligation to take care of subsidized families, in his opinion, the town has already done far too much and it does not bode well for the future of the town. He also stated that Belmont, Lexington and Winchester don't have the "crowding onus" although it is his understanding that Lexington will be asked to consider such a provision at its annual town meeting. He feels that this is extremely critical in Arlington where there are already far too many people.

Mr. Worden stated for the record that his group has had discussions with Oxford concerning the Mill Brook Square project. He stated that they have told Oxford that to the extent that the Arlington Redevelopment Board is interested in seeing something happen on that site it must accept a zoning reform package as submitted. If the Board were willing to do that, then his group would be willing to sit down with Oxford to see if there is a way that an out of court settlement could be made.

Mr. McClennen noted that the provisions of Article 93 were inserted in the zoning bylaw in 1975 as part of the town's approach to providing flexibility with control through zoning. The provisions set forth in Article 93 are granted by the Zoning Board of Appeals not by the Redevelopment Board. In addition, Mr. McClennen noted that it is possible that if the current proposal of the Arlington Housing Authority were to include a senior center and perhaps even a fire station the provision relating to an increase in floor area ratio for assisted housing might have to be used. He indicated that he would check this out and report back to the Board.

There being no further comments on any warrant articles, the Chairman declared the hearing closed at 10:30 p.m.

Mr. Tulimieri requested that Mr. McClennen transmit a letter to the Building Inspector asking him to inspect the property at 99 Massachusetts Avenue. In addition he requested that Mr. McClennen request a copy of the health inspection report as well as the status of outstanding citations from the Board of Health.