

Minutes of the Meeting of
February 23, 1987

Present: Mr. Thomas W. Falwell, Chairman
Mrs. Doris M. Cremens, Vice Chairman
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 Redevelopment Board continued the hearing on the request of the Carbonell Family Trust to add five Dwelling units to an existing professional office building at 1241-1245 Massachusetts Avenue.

Mr. McClennen informed the Board that the Carbonell Family Trust had requested a second extension.

Motion: Moved by Mrs. Cremens, seconded by Mr. Faulkner, to continue the hearing on the Carbonell Family Trust matter at 1241-1245 Massachusetts Avenue to 8:00 p.m. March 9, 1987. Unanimous vote in favor.

7:40 p.m. The Redevelopment Board met with Mr. Robert Delany, Treasurer of Ecole BiLangue; and Ms. Francie Irvine, Head Mistress; to discuss an extension of a lease of the property.

Mr. Delany indicated to the Board that the school was currently involved in some long-range planning, and to protect their interests at the site, they would like to exercise an option with the Board to lease the building for the remaining four years of the ten year period. They were requesting this a year and a half in advance to insure that they had proper accommodations. Mr. McCarthy indicated that he was not opposed to the extension; however, he felt that the provisions of the lease allowed for a rent adjustment in excess of the CPI with this second option period. Mr. Delany indicated that currently 24% of the families with children at the Ecole reside in Arlington. He recognized that the school was not the best economic return for the property; however, the school is clearly providing a community service to Arlington. Mr. McCarthy agreed, but he also indicated that the Board, as the custodians for these properties, must insure that the Town receives a proper return.

Mr. Delany indicated that, in all probability, Ecole would be needing additional space in the near future. The Board suggested that they send a letter to Mr. McClennen to see if there is extra space in the Town, and also to ask him to determine, from surveys of surrounding communities, what a reasonable rent is for this property. Mr. Delany thanked the Board for their time, and

indicated that he looked forward to a long-term association with the Redevelopment Board at the Parmenter School.

8:00 p.m. -The Redevelopment Board convened a public hearing in the auditorium of the Robbins Memorial Town Hall on proposed zoning amendments for consideration by the Town Meeting; including Warrant Articles 3, 15, 16, 95, 96, 97, 99, 100, 101, 102, 103, 105, 106, 108, 109, 110, 111, 112, 114, 115, and 117.

Mr. Falwell opened the public hearing and explained the procedure to be followed. He requested an indication from those present, which Articles they were present to discuss. He indicated that, in order to accomodate the largest number of people, the Articles would be taken in the order of greatest interest first. Due to a defect in the legal advertisement, Article 98 would be heard on March 16, 1987 at 7:30 p.m.

Warrant Article 3

Mr. Falwell opened the public hearing on Warrant Article 3 of the Special Town Meeting. Mr. John Doyle, representing the Affordable Housing Task Force, briefed the Board on the proposals for the site. He indicated that the Affordable Housing Task Force had been given two properties to the rear of the Bank Five project on Massachusetts Avenue. The Task Force had searched the Town and concluded that the most suitable land available to move the properties to was the site of the former Lake Street railroad station at the B&M Railroad. Mr. Doyle indicated that they had engaged the firm of E. Verner Johnson and Associates to develop the plans to locate the properties at the site. He indicated that the 15,000 square foot parcel could theoretically accommodate both properties; however, it would be necessary to obtain a variance since the property did not have adequate frontage on Lake Street. If the second house were to be put to the rear of the first one, there would have to be a variance, because that panel would have no frontage at all.

Mr. Falwell opened the hearing to questions and comments from those present. Mr. Lenny Baker, the owner of 17-19 Lake Hill Avenue, an abuttor to the site, indicated that he was opposed to this project. He indicated that if the land was to be disposed of, he felt it should be sold to the abuttors. He indicated that he had pursued the Town to clean the area to no avail, and in fact, he did some maintenance himself. Mr. McCarthy noted that the sole question before the Board was whether or not the land should be re-zoned from Transportation T to Residence 2. The Board's function is to examine zoning changes from the point of view of proper land use; and issues of land acquisition and clean-up were not properly before the Redevelopment Board.

Mrs. Mary Anne Tracey, a resident of 23 Lake Hill Avenue, indicated that she was opposed to this proposal. Mr. Paul Coleman, resident of 78 Lake Street, indicated that he was

opposed. Mr. James Tracey, a resident of 23 Lake Hill Avenue, indicated that he was opposed. There being no other discussion, the Chairman closed the hearing on Warrant Article 3 of the Special Town Meeting.

Warrant Articles 108 and 109

The Chairman opened the public hearing on Articles 108 and 109. Mr. Harry McCabe, Chairman of the Council on Aging, reviewed the background to the Warrant Articles. He was supported by Mr. Richard Lutus, a member of the Council; and Mrs. Peg Capron. Mr. McCabe indicated that the Articles have been submitted to deal with the issue of accessory apartments, and the tax implications of making changes to properties. Mr. Falwell reviewed some of the implications of the proposed Warrant Articles. Mr. McCarthy indicated that currently the Bylaw permits the use contemplated by the petitioner; therefore, the proposed amendment is unnecessary. Mr. McCabe indicated that he concurred that the amendments were not needed, but he felt it would be appropriate to amend the Zoning Bylaw to make it clear that these uses were permissible. Following further discussion, the Board took the matter under advisement.

Warrant Article 99

Article 99 was submitted by the Redevelopment Board to deal with the issue of large additions. Mr. McClennen briefly explained the work that had been done. Mr. Paul McDonough, of 71 Dow Avenue, addressed the Board, and indicated that he supported the proposals in Article 99. Mr. Timothy Lorden, a resident of 66 Dow Avenue, indicated that he supported Article 99. Mr. Raymond Smith, a resident of 67 Dow Avenue, indicated that he supported the concept of Article 99. Mr. James Higgleston, of 84 Paul Revere Road, indicated he supported Article 99, and wondered if it could be made retroactive. Mr. Falwell indicated that it could not be used to undo something that has already been lawfully begun. Mr. Falwell also explained the process that the Board and the Department had gone through to understand this issue. He explained how Mr. O'Brien had analyzed all the additions that had received permits in the Town over several years, and the calculations in the Warrant Article were set up in such a way as to deal only with the clearly abusive additions. The process would not prohibit additions, but at least, when those additions passed a certain threshold, they would require some public review by the Zoning Board of Appeals. There being no further discussion on this issue, the Chairman closed the hearing on Warrant Article 99.

Warrant Article 117

Mr. Falwell opened the hearing on Warrant Article 117. Mr. Robert Bowes of Scanlan and Bowes Real Estate was present, representing Mr. Arthur Maranian, owner of the property. Mr. Bowes indicated that Mr. Maranian owned Maran Printers, which was located at 1406

Massachusetts Avenue. In addition, he owned land to the rear of the printing business, with frontage on Paul Revere Road. Mr. Maran purchased the property in 1969, and it was, at the time, business zoned from Massachusetts Avenue to Paul Revere Road. In 1976, he discovered that the Paul Revere Road portion of the lot had been rezoned to Residence-2. He has now purchased property at 91 Mystic Street, and he intends to move to that site in 1988 when the leases expire in that building. He would like to build a residential condominium project at his site on Massachusetts Avenue; however, the rear half of the site has to be rezoned to accomodate that project. He would be willing to work with the neighbors and the Town to determine the best use of the site, but he can do nothing until it is rezoned. Mr. Falwell asked if the petitioner would agree to leave a portion of the site fronting on Paul Revere Road zoned Residence 2, so that the Town could control traffic on Paul Revere Road. Mr. Maranian indicated that they are in the early stages of this project, and they need the rezoning so that they can proceed further. He recognizes the traffic will be a major issue, and is willing to work with the community.

Mr. McCarthy indicated to Mr. Bowes and to Mr. Maranian that the Board's past practice has been not to recommend rezonings of land without some significant plans having been developed. Town Meeting has generally accepted this procedure, it has allowed the Redevelopment Board to look carefully at the landuse implications of the rezoning, and the Town Meeting has then permitted the Board to deal with the design details through the Environmental Design Review process.

Mr. Falwell indicated that it is very difficult to sell something to Town Meeting with no plans. The Town Meeting essentially controls the development of this site at this stage, and since the rezoning occurred by unanimous vote in 1975, it would be very difficult to persuade the Town Meeting to re-zone it at this point without some reasonable plans.

Mrs. Cremens wanted to know why they were proposing Business 3, since there was no guarantee that the project would, in fact, be a residential project. Mr. Maranian indicated that all they wanted to do was to extend the existing district.

Mr. Philip Hager, a resident of 64 Old Mystic Street, and the owner of property at 89 Paul Revere Road, indicated that he did not have objections to additional development on this site. He would like to be recorded in favor of the rezoning because he felt strongly that something should be done with this vacant site. Mr. James Higgleston, of 84 Paul Revere Road, a resident directly across the street from the site, indicated that he was concerned about additional traffic and parking from major development in this area. He indicated; however, that at this point, he had no position in favor or in opposition to the site.

There being no further testimony under Article 117, the hearing

was closed.

Warrant Article 110

The Chairman opened the hearing on Warrant Article 110. Mr. Robert Annesse, a local attorney, introduced his client, Mr. Robert Perillo, the owner of 1188 Massachusetts Avenue. His client would like to rezone the land from Residence 2 to Residence 5. Mr. Perillo has owned the property for 11 years, he teaches culinary arts. He would like to use one room for a consulting office on the first floor. Presently, he uses the entire building as a single-family house. There is an existing driveway on the right-hand side of the property that could park up to nine automobiles. The adjacent property, Burton Village Condominiums, is zoned Residence 5; therefore, he feels it would be appropriate to extend that district to incorporate his property so that he can use a portion of the house for his personal office. He noted that the rezoning was a preliminary step only because any office-use on the property requires a special permit under Section 6.22 of the Bylaws.

Mrs. Bonnie Hershey, of 12 Appleton Place, wanted to know what the plans were for the house. Her only objection would be if the yard were paved and turned into a parking lot. Mr. Falwell indicated that, if the Town were to re-zone the property, Mr. Perillo would still have to go to the Zoning Board of Appeals for a special permit if the use were to change. Therefore, that public hearing would provide an opportunity for public input on the details of a specific proposal. Mr. McCarthy also noted that under Use 6.22 of the Table of Use Regulations, any change to the house can only be done as long as the building maintains its residential character.

Mr. John Worden noted that the re-zoning of this property would mean that the R-5 district, containing Burton Village, would then have over 23,000 square feet, and thus, it would be theoretically possible to demolish the buildings in that development and construct a new apartment building in the R-5 zoning district. There being no further testimony, the Chairman closed the hearing on Warrant Article 110.

Warrant Article 115

The Chairman opened the hearing on Article 115 of the Special Town Meeting dealing with the proposed rezoning of the property on King and Candia Streets. Mr. Tramontozzi, a resident of Gorham street, requested the Board to explain why this article was being submitted. Mr. Falwell indicated that last year the Town, on the recommendation of the Redevelopment Board, had rezoned the property to R-4 to permit then owner, Mr. George Shalla to construct 11 townhouse units in a cluster instead of 11 single-family homes. Mr. Shalla subsequently went bankrupt, and the property has been sold to a new owner. The new owner has indicated that he is only desirous of developing 11 single-family

homes on 6,000 square-foot lots; therefore, it seems appropriate to re-zone the land back to R-1, which was the zoning, in effect, prior to the Spring of 1986.

Mr. Worden raised the question about whether or not several grandfather lots in the subdivision were capable of being built upon.

Mr. McCarthy indicated that he was not in favor of the proposed rezoning because the Redevelopment Board, after extensive discussions in 1986, had concluded that the most suitable use of the land was as a cluster subdivision. Mrs. Jean Rosenberg, a resident of 18 King Street, indicated that she still supported the plan and the re-zoning approved by the Town Meeting in May of 1986. She was not in favor of removing the option for a cluster townhouse development.

There being no further discussion on Article 115 of the Special Town Meeting, the Chairman declared the hearing closed.

Warrant Article 111

The Chairman opened the hearing on Article 111 of the Annual Town Meeting. This Article was submitted by Mr. Stephen Blagdon, and others. Mr. Blagdon indicated that he realized that the Article was not worded properly, but he was advised by Selectmen's office that he could submit Warrant Articles and they would be corrected by Town Counsel prior to their submission to the Warrant. Mr. Falwell indicated to Mr. Blagdon that 111 was an Article that was closed due to its wording and that it would be very difficult to act on because of its lack of specificity. Mr. McClennen indicated that most of the Articles that Mr. Blagdon had submitted had some merit, and, in fact, the Planning Department and Redevelopment Board were in the process of examining some of those issues. Unfortunately, due to the extreme generalities in the Article, it would be very difficult to redraft it for consideration by the Town Meeting.

Mr. Tsoi indicated to Mr. Blagdon that much of the material that he was proposing was important to the proper development of the Town. He was sorry that Mr. Blagdon had not been before the Board earlier so that these matters could have been discussed, and perhaps suitable Warrant Articles prepared. Mr. Tsoi also indicated that the Environmental Design Review process has been used effectively by the Board because it provides the opportunity to discuss and modify specific projects. Frequently these projects are quite complex, and the Board has learned that it is virtually impossible to draft a Zoning Bylaw that takes into account all options. Mr. Falwell also indicated that much of what Mr. Blagdon was looking for had, in fact, been accomplished by the Worden and Seward Height Amendments of 1978. He did not feel that it would be possible to prepare a substitute motion that would be legal; therefore, the issue cannot be acted on by the Town Meeting.

Mr. McCarthy indicated that Mr. Blagdon should try to get a ruling from Town Meeting Moderator, Mr. McCabe, to see if it would be acceptable to modify these Articles since they do not include the open-ended wording, "or take any other action relating there to."

There being no further discussion under Warrant Article 111, the Chairman declared the hearing closed.

Warrant Article 112

The Chairman opened the hearing on Warrant Article 112, and indicated to Mr. Blagdon that, based on his research, this Article was not a proper Zoning Article; therefore, although the Board could hold a public hearing, he would have to report to Town Meeting that it was not a proper Article. There being no further discussion the Chairman closed the hearing on Warrant Article 112.

Warrant Article 114

The Chairman opened the hearing on Warrant Article 114. He indicated that the Department of Planning and Community Development was currently involved in studies that addressed many of the issues set forth in Article 114. The Board and the Department are not in favor of larger lots being split up. Mr. Worden indicated that he hoped the Planning Department could finish its study on larger lots as soon as possible so the issue could be addressed at the next Town Meeting. There being no further discussion under Article 114, the Chairman declared the hearing closed.

Warrant Article 115

The Chairman opened the hearing on Warrant Article 115. Mr. Blagdon indicated that the purpose of this Article was to prevent other buildings similar to Arlington Motor Sport. The Board reviewed the matters with Mr. Blagdon and indicated that, in their opinion, the vagueness of the Article would probably create problems with the Attorney General, even if it were to be passed by Town Meeting. There being no further discussion under Warrant Article 115, the Chairman declared the hearing closed.

Warrant Article 16

The Chairman opened the hearing on Warrant Article 16 of the Special Town Meeting. Mr. McClennen reviewed the general, conceptual thoughts behind Warrant Article 16. He indicated that the purpose of the Article was to provide flexibility while at the same time providing some control over the heights of buildings in the B-5 district. Mr. McClennen showed several models that had been prepared as part of the studies for the Mirak Arlington Center site, and indicated how the current zoning

tended to provide for very rigid design solutions. Mr. Tsoi indicated that he felt that a project or major building, like those proposed for the Mirak site, require a great deal of flexibility, it is difficult for the Zoning Bylaw to deal with these issues specifically, so the staff should adjust the wording of the Article to provide maximum flexibility, but full Redevelopment Board control.

Mr. John Worden, a Town Meeting member and one of the principals behind an effort in the late 1970's to control heights, indicated that he supports Mr. Tsoi's concept about height limitations and ways in which to encourage variety. He also indicated that he felt this was an extremely important site, and he would like to see more business in Arlington Center if at all possible. Following further discussion, Mr. Tsoi indicated that he felt that the wording of the Article, as submitted, should be changed in such a way so that the maximum height permitted through this technique would be 87 feet, which is either 8 or 9 stories. There being no further discussion under Warrant Article 116 of the Special Town Meeting, the Chairman declared the hearing closed.

Warrant Article 95

Mr. Falwell opened the hearing on Warrant Article 95. There being no comment on Warrant Article 95, the Chairman declared the hearing closed.

Warrant Article 96

The Chairman opened the public hearing on Warrant Article 96. There being no comment on Warrant Article 96, the Chairman declared the hearing closed.

Warrant Article 97

The Chairman opened the public hearing on Warrant Article 97. There being no discussion on Warrant Article 97, the Chairman declared the hearing closed.

Warrant Article 100

The Chairman opened the public hearing on Warrant Article 100. There being no discussion on Warrant Article 100, the Chairman declared the hearing closed.

Warrant Article 101

The Chairman opened the public hearing on Warrant Article 101. There being no discussion on Warrant Article 101, the Chairman declared the hearing closed.

Warrant Article 102

The Chairman opened the public hearing on Warrant Article 102.

There being no discussion on Warrant Article 102, the Chairman declared the hearing closed.

Warrant Article 103

The Chairman opened the public hearing on Warrant Article 103. There being no discussion on Warrant Article 103, the Chairman declared the hearing closed.

Warrant Article 105

The Chairman opened the public hearing on Warrant Article 105. There being no discussion on Warrant Article 105, the Chairman declared the hearing closed.

Warrant Article 106

The Chairman opened the public hearing on Warrant Article 106. There being no discussion, the Chairman declared the hearing on Warrant Article 106 closed.

11:45 p.m. Moved by Mrs. Cremens, seconded by Mr. Faulkner, to adjourn. Unanimous vote in favor.

Respectfully submitted,

Alan McClennen, Jr.
Secretary Ex-Officio