

MINUTES OF THE MEETING  
OF SEPTEMBER 8, 1975

Present: Stephen Pekich, Chairman  
Joseph F. Tulimieri, Vice-chairman  
Robert J. Sheehan  
Edward T. M. Tsoi  
Philip J. McCarthy

Alan McClennen, Jr., Secretary ex-officio  
John Bordes, Redevelopment Planner

The Chairman called the meeting to order at 7:45 p.m.

Meeting with Mr. James Kiernan concerning zoning on Whittemore St.

Mr. McClennen introduced Mr. Kiernan of Whittemore Street and asked him to explain his concern to the Board after which he would outline the steps necessary to deal with an amendment now that advertising has taken place. Mr. Kiernan was concerned with land to the rear of his house on Whittemore Street belonging to Mr. Mirak (Block Plan 10A6). It has been zoned residence B in the past and now it is proposed B5. He feels that this zoning change is only legitimizing use of the land for parking by Mirak employees as it is now being used. He felt even an R7 would be more appropriate. After hearing Mr. Kiernan's concerns, the Chairman stated they would be taken under advisement and the Board would decide whether or not to make any changes between the Public Hearings and the town meeting. The Chairman advised Mr. Kiernan to attend the hearings to have his arguments heard and thanked him for coming before the Board. After his departure, the Board discussed Mr. Kiernan's concerns. The Director felt and the Board concurred that Whittemore Street is better protected under the proposed bylaw than under the present bylaw. They discussed his accusation that violations are permitted daily and the following motion was made.

Motion: By Mr. McCarthy, seconded by Mr. Tulimieri, to request the Building Inspector to look into the conditions existing on Block Plan 10A6 and to determine if it conforms with present zoning regulations. Unanimous vote in favor.

Minutes of August 4

Motion: By Mr. Tulimieri, seconded by Mr. Sheehan to accept the minutes of August 4 as corrected. Unanimous vote in favor.

Concerning the above minutes, Mr. Pekich asked about the status of the billboards in town coming down. Mr. McClennen replied that although the Highway Beautification Act required their removal, the owners must be compensated and at this time their fund isn't large enough to do so. Mrs. Baron has compiled a list of the signs that

have permits in Arlington, numbering about 18, and the staff will plot out the signs to show which are within 400 feet of public property. When these come up for their annual permit the Board of Selectmen could start denying those that are illegal.

Motion: By Mr. McCarthy, seconded by Mr. Sheehan that the ARB write a letter to the Board of Selectmen calling to their attention that they are the permit granting authority in town and requesting that if any permits have expired to take action in removing them.

#### Minutes of August 25

Motion: By Mr. Tulimieri, seconded by Mr. Tsoi to accept the minutes of August 25 as written. Unanimous vote in favor.

#### Review of Zoning Questions Received to Date

Mr. McClennen reported that to date the Department has received about fifteen comments and concerns regarding the proposed bylaw. In each case, the individual was asked to make sure to raise their questions at the Public Hearings or by letter. Mr. McClennen reviewed each question received. In addition, Mr. McCarthy received a call concerning some homes on Summer Street, which were felt by the caller to be spot zoned. Mr. Tsoi received some comments, one concerning inner courts which reads as it did in the previous bylaw. It was Mr. Tsoi's feeling that this was too restrictive and should be deleted. Mr. Tsoi also received lengthy comments from Hugh Russell who developed the five sketches for Mr. Adamian's property. Mr. Russell's comments were passed on to the Director who will reply. Mr. McClennen said that following the Public Hearings he will meet with Mr. Purcell and get a pre-town meeting determination of what is a major change and what is a minor change.

#### Discussion of Procedures for Public Hearings

Mr. McClennen distributed to the Board members a brief outline of how the Public Hearing could be handled. It was his feeling that the main purpose of the Hearings is to elicit reaction. At the outset of the hearing, it will be announced that adjournment will be at 11:00 p.m. It was suggested that the taping system used at town meetings be utilized but it was decided to employ a court stenographer as it will be so important to capture each question or comment. The Director was asked to make arrangements for the stenographer. Anyone wishing to speak will be asked to give their name, address and interest and to keep their comments to ten minutes only. The slide and opaque projector will be on hand if needed.

#### Brief Report on Mill Brook Valley Plan

Mr. McClennen reviewed the time schedule for the Mill Brook Valley Plan indicating that it should be complete by September 26, 1975. Mr. Tsoi provided a list of several items he would like to see included.

Director's Report

The definition of lodging house was discussed. Mr. McClennen said it was still a little unclear why the definition was changed from that adopted by town meeting. The Selectmen have never attempted to enforce lodging house definition on communes and they have never been required to get a license. It was felt that if we go back to the old definition and end up with the same definition of family, there will be really no control at all over them. The Chairman felt that our arguments during town meeting are going to have to go along the lines of the Supreme Court decision.

Received a bill from Arlington Offset for 500 reprints of the proposed zoning bylaw in the amount of \$200.

Motion: By Mr. Tulimieri, seconded by Mr. Sheehan to approve payment of the above invlce. Unanimous vote in favor.

Received a bill from the Arlington Advocate in the amount of \$4,536.00 for two weeks of legal notice of the bylaw. \$1,500.00 will be paid for by the Department of Planning & Community Development out of a transfer made by the Finance Committee in June, 1974.

Motion: By Mr. Tulimieri, seconded by Mr. Sheehan to pay the remainder of the above invoice. Unanimous vote in favor.

The Director felt that the Advocate did an excellent job and worked long hours to produce the legal ad and should be commended.

Received Invoice #2503, dated August 19 from Metcalf & Eddy for work up until July 25 in the amount of \$655.95.

Motion: By Mr. Tulimieri, seconded by Mr. Tsoi to pay the above invoice. Unanimous vote in favor.

Received a bill for annual dues to Mass. Federation of Planning Boards in the amount of \$50.00.

Motion: By Mr. Tulimieri, seconded by Mr. Tsoi to approve payment of annual dues to Mass. Federation of Planning Boards. Unanimous vote in favor.

Received a bill for annual dues to the National League of Cities & Towns in the amount of \$40.

Motion: By Mr. Tsoi, seconded by Mr. McCarthy to approve the expenditure of \$40.00 for dues for National League of Cities & Towns. Unanimous vote in favor.

Other Business

Mr. McClennen reported that tonight at the Selectmen's meeting Mr. Saul suggested doing a comparison of the new bylaw to the old bylaw; this will be done for the Public Hearing.


Mr. Pekich asked if the Director knew why hearings for two nursing homes which were scheduled for September 9 were changed. Mr. McClennen replied that after advertising, Mr. Muldoon became aware of a client-relationship with one of the owners and excused himself from the case. A new date will be set and our recommendation will be sent prior to the meeting.

One member suggested again soliciting comments from the Boards and Committees in town prior to the Hearing. However, it was decided that a letter to this effect might harm relationships and it was agreed that Mr. Pekich's presentation will include the fact that every Board and Committee received a draft of the bylaw for their review and every comment we have received has been evaluated and incorporated when possible.

Adjournment

Motion: By Mr. Sheehan, seconded by Mr. Tsoi to adjourn at 11:00 p.m. Unanimous vote in favor.

Respectfully submitted,

  
Alan McClennen, Jr.  
Secretary ex-officio

AMcC/aa

MINUTES OF THE MEETING  
OF SEPTEMBER 22, 1975

Present: Joseph F. Tulimieri, Vice-Chairman  
Edward T. M. Tsoi  
Philip J. McCarthy

Alan McClennen, Jr., Secretary ex-officio  
Gail F. Baron, Planner

Absent: Stephen Pekich, Chairman  
Robert J. Sheehan

Also present: Mr. James Toloupoulos, Mr. Sweeney, Mr. Richard Campobasso, Mrs. Kathryn Jorgensen and Mr. John Worden

Vice-Chairman Tulimieri called the meeting to order at 7:35 p.m.

Discussion of suggested zoning amendments

The first suggested zoning amendment discussed by the Board dealt with Superintendent Gibbs' request that the school department's use of the Mystic Valley Gas building be allowed as a right and not by special permit. It was decided that this amendment not be made since each use in this category should be evaluated.

The next suggested amendment was that of Phillippe Dionne that his property at 1287-9 Massachusetts Avenue be included in the adjacent B3 zone instead of the proposed R3. The Board favored this amendment and agreed to propose it at the Special Town Meeting.

Motion: By Mr. Tsoi, seconded by Mr. McCarthy to propose to Town Meeting that 1287-9 Massachusetts Avenue be included in a B3 zone. Unanimous vote in favor.

The Board then discussed the amendment suggested by Mr. James Toloupoulos to extend the B2 zone onto his property at 1234 Massachusetts Avenue which would permit a combination office/commercial development.

Motion: By Mr. Tsoi, seconded by Mr. McCarthy that, subject to a determination by Town Counsel that it doesn't constitute a major change, the Redevelopment Board should recommend to Town Meeting that the zoning map be changed to include 1234 Mass. Avenue in a B2 district. Unanimous vote in favor.

The next topic of discussion was a two-part request mainly concerning 921-923 Mass. Avenue, the house adjacent to the Stop & Shop. The owner of that house requests that it be included in the B4 zone; and the two properties in between 921-3 and Grove Street also would like to be zoned B4. At this time Mr. McClennen read a letter from Mr. Thomas Smurzynski, Chairman of the Arlington Historical Committee,

to Mr. Pekich in which Mr. Smurzynski earnestly solicited that the Board not change their proposed zoning for that portion of Mass. Avenue as the house in question is an excellent and very rare example of Greek revival architecture. Mr. McClennen explained further that this portion of the Avenue was designed to allow a "breathing space" for two heavily vehicular-dependent districts on either side. He added that three of the buildings in this area were mentioned in a historical survey and that the Redevelopment Board received these recommendations in September of 1974. Finally, it was noted that both Tibbetts, Abbot, McCarthy and Stratton and A.M. Voorhees had indicated serious traffic problems at this intersection. It was the feeling of the staff that a change in the proposed zoning would not be in the best interests of Arlington. Mr. Sweeney, who was present this evening representing the owner of 921 Mass. Ave., argued that the property should be zoned B4 as the town needs more business zones, not less, to improve the tax base. He added that on his advice, the owner has held off selling the house for several years and this is her only source of income. After hearing Mr. Sweeney's arguments, Chairman Tulimieri deferred action on this proposed amendment until the full Board was present.


The next topic of discussion was the request of Mr. Richard Campobasso that his father's property at 290 Massachusetts Avenue be zoned B2 instead of B1. Mr. McClennen explained that the five surrounding buildings are all in that B1 zone and there is no way that the property in question could be connected to a B2 use; the only option available would be to change the entire B1 district to a B2 district. One member of the Board asked Mr. Campobasso what he would like to do under B2 that could not be done in B1. Mr. Campobasso said that there were no definite plans yet, he just felt it was better suited for the area. It was noted that the fundamental difference from B1 to B2 is the inclusion of eating establishments and retail uses. Chairman Tulimieri indicated that this will have to be looked at in greater detail since it entails change of five properties and action was deferred.

It was decided that the Board would take a position on every amendment request even if Town Counsel rules a certain one unacceptable. It was further decided to call a meeting for Thursday evening, September 25.

At this time, one member of the Board had to leave and there no longer being a quorum, the Vice-Chairman called for a motion to adjourn.

Motion: By Mr. Tsoi, seconded by Mr. McCarthy to adjourn at 8:30 p.m. Unanimous vote in favor.

Respectfully submitted,

  
Alan McClennen, Jr.  
Secretary Ex-officio

AMcC/aa

MINUTES OF THE MEETING  
OF SEPTEMBER 25, 1975

Present: Stephen Pekich, Chairman  
Robert J. Sheehan  
Edward T. M. Tsoi  
Philip J. McCarthy

Alan McClennen, Jr., Secretary ex-officio

Absent: Joseph F. Tulimieri, Vice-chairman

Also present: Mr. Richard Campobasso, Mr. John D. Paine, Mr. Peter Antonino, Mr. James E. Lions, Sr., Mr. James E. Lions, Jr. and Mr. John Worden

The Chairman called the meeting to order at 7:45 p.m.

Continued Review of Public Hearing Suggestions & Proposed Amendments

The first topic of discussion was the request of Mr. Richard Campobasso that his father's property at 292 Massachusetts Avenue be changed from proposed B1 to B2. Mr. Campobasso wanted to know why a zoning change for the whole block would be necessary or why the individual parcel could not be rezoned. Mr. McClennen explained that the bylaw is following zoning theory and trying to establish zoning districts in which all parcels have generally the same size and use. An individual change, as that would be, would be spot zoning and would probably be overturned by the courts. The Director then listed the uses allowed as a right in B2 and related them to those allowed in B1. In general, the B2 uses were more retail oriented, needed more land and tended to generate more people and cars as well which would change the character of the block. Mr. Campobasso responded that the B2 change would not be incongruous with the rest of Mass. Avenue and the change of character would not be that great. Mr. McCarthy stated that he and Mr. Tulimieri viewed the property during the week and for all reasons cited by the Director, it was their feeling the block should remain B1. Mr. James E. Lions, Sr., a resident of 288 Mass. Avenue and a proponent of changing the zoning to B2 felt that as a property owner he was being penalized and restricted. He also felt that revenue to the town would be decreased. Mr. McCarthy added that the Board's decision was only a recommendation to town meeting and further, the Board was not changing anything as this area was previously zoned Business C which did not allow any retail uses. Mr. Tsoi concurred with the Board members.

Motion: By Mr. McCarthy, seconded by Mr. Tsoi not to sponsor the change in proposed zoning for 290 Mass. Avenue.  
Unanimous vote in favor.

The next request was by a letter from Attorney Elizabeth Dolan representing Mrs. Donahue to change 921-3 Mass. Avenue to a B4 district. The Director noted that a letter was received from the Arlington Historical Commission which was read at a previous meeting stating that they are against the proposed change. The Director's recommendation to the Board was not to proceed with the change. He noted that the remaining properties between Mrs. Donahue's and Grove Street were presently used as office and residential use which was permitted in the R5 district. He mentioned that one alternative to alleviate the problems of the owners would be to include the three properties in question in a B1 zone. This would not in any way accommodate the Donahue's request as their intent is to demolish the house in favor of a parking lot but it would prevent overdevelopment of the land. Mr. McCarthy felt that the Board should take into consideration the historical properties on the block. Mr. Sheehan felt that a change would be inconsistent with the Board's long-range plan.

Motion: By Mr. Sheehan, seconded by Mr. Tsoi to leave the property at 921-3 Massachusetts Avenue as R5. Unanimous vote in favor.

It was noted that Mr. Tulimieri, although not present, did not favor change from R5.

The next area of discussion was the requests and suggestions made by Mr. John Worden at the Public Hearing. One of his requests was the addition of the words "conversions to" in the R4 district. The Board was in agreement that this would clarify an ambiguous point.

Motion: By Mr. Tsoi, seconded by Mr. Sheehan to insert the words "conversions to" preceding "Dormitory, Nursing Home, Lodging House" in District R4, Section 6.00, the Table of Dimensional and Density Regulations. Unanimous vote in favor.

A second request was that the lot requirement size be increased from 20,000 square feet to 40,000 square feet for town houses in the R4 district. The Board wondered if a change of this nature would be allowed by Town Counsel. Mr. Sheehan felt it might jeopardize the passage of the entire bylaw. Mr. Worden responded by saying that the omission of an amendment to cover this might cause some people to vote against the entire zoning package as the Pleasant Street area would become particularly vulnerable. There was much discussion on this request and it was suggested by a Board member that a change from 20,000 sq. ft. to 30,000 sq. ft. might be more in keeping with changes that will be allowed by Town Counsel. Mr. Worden agreed to support such a change.

Motion: By Mr. Tsoi, seconded by Mr. McCarthy that the Board support the change from 20,000 sq. ft. to 30,000 sq. ft. minimum lot size for town house structures in the R4 district. This will deal with only new buildings. Unanimous vote in favor.



Mr. Worden withdrew his request dealing with redrawing the R4 boundary line.

The fourth request by Mr. Worden dealt with reducing the maximum height to 60 feet in all districts. The Director explained that all the dimensional controls relate height to setbacks and floor area ratio, and a cut-off point of 60 feet would not be consistent. He added that with the height buffer zones created and the actual location of districts in the town lowering the height to 60 feet would not accomplish a great deal. One member felt that there were some parcels in town that could support such development. It was the feeling of the Board that the height restrictions remain as they are.

Motion: By Mr. Tsoi, seconded by Mr. McCarthy, that the Board not change the height limitations set forth in the Table of Dimensional Regulations. Unanimous vote in favor.

The Board next discussed a suggestion by Mrs. Marjorie Cohn for a change in zoning to safeguard the structures located at the corners of Avon Place and Whittemore Street and Massachusetts Ave. This area is also the concern of the residents of Whittemore Street. Mr. Worden noted that these structures are excellent examples of their type.

Motion: By Mr. Tsoi, seconded by Mr. McCarthy to change above-mentioned properties from proposed R7 to B1, not to include the apartment building which will remain R7. Unanimous vote in favor.

The Board expressed their appreciation to Mr. Worden for all of his comments on the entire bylaw.

There were two requests received from the Naugler and Passamonte families on Wellington Street who desire to be included in the adjacent two-family zone. Also a request from the Nauglers that No. 19 be zoned for a three-family. The request for a three-family was deemed out of order as there are no three-family zones on the street. Mr. McCarthy indicated to the Board members that although Mrs. Naugler asked for the change in order to remain in Arlington, he has since found out that the house is for sale. He asked the Director to inform Mrs. Naugler that the Board did not appreciate being misled as to the intention of their request.

Motion: By Mr. Sheehan, seconded by Mr. Tsoi to change 11, 15 and 18 Wellington St. from R1 to R2. Unanimous vote in favor.

Motion: By Mr. Tsoi, seconded by Mr. McCarthy to take no action in changing 19 Wellington St. to R3. Unanimous vote in favor.

The Board then discussed the request by the Bilafer Brothers that their property located at the corner of Drake Road and Mass. Ave. be changed from B1 to B2, their intention being to build a small retail store. It was noted that the extension of retail uses westerly along the north side of Mass. Ave. was not consistent with sound land use planning due to the size of the parcels.

Motion: By Mr. McCarthy, seconded by Mr. Tsoi not to change the above-mentioned property from B1 to B2 as keeping it B1 will be more in keeping with the Mill Brook Valley Plan. Unanimous vote in favor.

Next discussed was Miss Lions' request that her property at 22 Elmhurst Road be zoned for two-family use. The Director recommended that that property be put in the R2 zone right across the street. Mr. McCarthy was opposed to that suggestion as that lot could possibly hold three two-family houses which would be inconsistent with the single-family houses on that side of the street. Mr. Sheehan chose to leave it zoned one-family.

Motion: By Mr. Tsoi, seconded by Mr. McCarthy not to support a change from R1 to R2 at 22 Elmhurst Road. Unanimous vote in favor.

A two-part request was received from Mr. George Ginivisian of 74 Summit Street. First, for everything on one side of Summit Street to be in a two-family zone. Second, to pick up an existing house and a vacant lot on the same street for two-family zoning.

Motion: By Mr. Tsoi, seconded by Mr. McCarthy to approve the change from R1 to R2 for 74 Summit Street. Unanimous vote in favor.

Motion: By Mr. Tsoi, seconded by Mr. McCarthy not to approve the request that 42 Summit Street be changed from R1 to R2 as that area is single-family. Unanimous vote in favor.

There was a request from Anthony R. Caterino, 18 Williams Street. He would like the R2 district extended northerly along Williams St. to pick up an undersized lot to change it from one-family to two-family.

Motion: By Mr. Tsoi, seconded by Mr. McCarthy not to support a change from R1 to R2 on Williams Street. Unanimous vote in favor.

The Director next reviewed the following list of items still needing action.

In Article 3, Section 3.02, entitled "Description of Zoning Districts" under the paragraph headed T-Transportation District, insert the word "which" in the fifth line between the words "or" and "otherwise".

In Article 5, Section 5.04, Table of Use Regulations, for use 5.09 Railroad, rail rapid transit right-of-way under column headed "T" change the letter Y to the word "yes".

In Article 6, Section 6.00 Table of Dimensional and Density Regulations in the column headed LOT REQUIREMENTS MINIMUM, delete the letters "Sq." under the word "Frontage".

In Article 6, Section 6.21 entitled "Dimensional Requirements for Courts" in the first line delete the word "not". In section 6.22 entitled "Traffic Visibility Across Corners" in the second line delete "twenty-five (25)" and insert in place thereof "twenty (20)".

In Article 10, Section 10.02 entitled "Permit Required" in the last line of the second paragraph delete the words "fourteen (14)" and insert in place thereof the words "thirty (30)".

In Article 11 Special Permit, change the title to Special Regulations.

In Article 12, Section 12.01, entitled "Amendment" insert the following after the words Zoning Enabling Act. "When a petition for a zoning amendment is filed, such petition shall show that copies of the petition have been sent by registered mail to all abutters of the land referred to in the petition."

Motion: By Mr. Sheehan, seconded by Mr. McCarthy, that the above changes be made. Unanimous vote in favor.

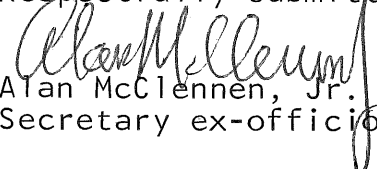
The Chairman asked the members to be thinking of strategy for town meeting.

The Director stated that he would be meeting with Messrs. Pekich and Tulimieri at 7:30 a.m. Monday, September 29 and he would post this with the Town Clerk as a regular meeting of the ARB.

#### Adjournment

Motion: By Mr. McCarthy, seconded by Mr. Tsoi to adjourn at 11:30 p.m. Unanimous vote in favor.

Respectfully submitted,

  
Alan McClennen, Jr.  
Secretary ex-officio

AMcC/aa

MINUTES OF THE  
MEETING OF SEPTEMBER 29, 1975

Present: Stephen Pekich, Chairman  
Joseph F. Tulimieri, Vice-Chairman  
Robert J. Sheehan  
Edward T. M. Tsoi  
Philip J. McCarthy

Alan McClennen, Jr., Secretary ex-officio  
John Bordes, Redevelopment Planner

Also present: Mr. James C. Kiernan, Mrs. Kathryn Jorgensen

The Chairman called the meeting to order at 7:35 p.m.

Discussion of suggested zoning amendments

The first topic of discussion was the property located at the corner of Park Avenue and Lowell Street owned by Robert Rowsell. Mr. Rowsell requested a change to Industrial zoning as there was no right of way from his property. After some research done by the staff, it was discovered that the deed to the gas station in front of the parcel in question gives a 24 foot right of way to that property. Therefore, there is no need to make a change to Industrial.

Motion: By Mr. Tulimieri, seconded by Mr. Tsoi that the Board not change the proposed R2 to I at the corner of Park Ave. and Lowell St. because that property behind Mr. Rowsell's does in fact have a 24 foot deeded right-of-way. Unanimous vote in favor.

The next topic was parking for office uses. The present bylaw states one space for every 300 feet of building area which is a very rigid standard. This standard differs from retail where the turnover is higher than that of office. The staff recommended one space for every 600 feet of building area and one Board member recommended one space for every 900 feet. It was finally agreed that one space for every 750 square feet of building area would be the standard used.

Motion: By Mr. Tulimieri, seconded by Mr. Tsoi, in Article 8 in the Table of OFF-STREET PARKING REGULATIONS under the column headed Use, delete the words "finance, insurance or real estate establishments" and insert a new category between "Other retail, service" and "Wholesale establishment, warehouse or storage establishment": as follows: "Office use including professional, business, medical, and dental" and under the column headed "Number of "off-Street parking spaces per unit" insert "One per each seven hundred fifty (750) sq. ft. of floor space". Unanimous vote in favor.

Mr. Bordes brought up an omission in the buffer area height regulations. The reference point of the second height is missing in the B4 and R6 districts.

Motion: By Mr. Sheehan, seconded by Mr. Tulimieri under the category HEIGHT for the districts designated R6 and B4, add the number 50 under the number 75 in the second line. Unanimous vote in favor.

The Board next discussed a request by Mr. Wilfert that his property on Prentiss Road be zoned Industrial instead of B4. He is concerned that the Board has been overly restrictive in zoning this parcel. The other properties on Prentiss Road are a caterer and the Sons of Italy hall, and one option would be to zone all three of these Industrial instead of B4. The Director stated that he had no objection to that, however, the Board felt the zoning should remain B4 since that zone provides protection for Wellington Park.

Motion: By Mr. Tulimieri, seconded by Mr. McCarthy to leave the Wilfert property in the proposed B4 district and not change it to Industrial. Unanimous vote in favor.

At this time, Mr. McClennen indicated that it was unclear in the minutes of September 25 whether or not the Saville Funeral Home was to be included in the B1 district. After some discussion the Board agreed that it was their intent to include Saville Funeral Home in that district.

Mr. McClennen indicated that there will have to be a slight wording change to the proposed amendment to the small lots. He recommended using the terminology that is in Section 5 of Chapter 40A.

Motion: By Mr. McCarthy, seconded by Mr. Tulimieri to change Section 6.00 of Article 7 be deleting the word "exempt" and inserting the terminology that is in Section 5 of Chapter 40A. Unanimous vote in favor.

The Director reviewed the background and the amendments agreed to to date concerning the requests of Mr. James Kiernan. The area from Moore Place to the apartment building at Pond Lane originally zoned for apartments at 75-80 dwelling units to the acre has been changed back to low intensity use. The other issue is the area behind the new car lot of Mirak which includes the two three-story buildings and the parking in the rear which Mirak is presently under direction of the Building Inspector to remove as of November 1. That area has been included in the B5 zone on the assumption that the area between Swan Place and Moore Place would become a large development area in conjunction with the MBTA extension. At the Public Hearing the Board was requested to change the area which includes the three-story buildings to an R2. The Director then reviewed the options available as being;

- (1) Proceed with the B5 zoning where all uses would require design review. This would not legitimize the violations that are occurring now.
- (2) Return to R2 which would create a status quo. The site could never be developed for anything as there is no frontage on a street.
- (3) Rezone it for a higher intensity residential use.
- (4) Rezone it for any R use which would allow the owner of B5 to request a special permit to use that site for parking.

The Board members explained to Mr. Kiernan that with any R zoning, a special permit would allow the parking to continue whereas a B5 zoning would require a variance which is much more difficult to obtain and, in fact, Mr. Mirak has been turned down once before. The Board agreed that protection is needed in that area and they felt they are providing that protection.

Mr. Kiernan asked if the Board had done anything in regard to the parking violations. Mr. McClennen read the letter he wrote to the Building Inspector asking him to investigate the situation. He then read a copy of the letter from the Building Inspector to Mr. Mirak asking that these violations cease by November 1, 1975. The Chairman suggested that Mr. Kiernan speak with Mr. Libby personally to keep informed on this matter.

#### Director's Report

Mr. McClennen spoke with the Town Meeting Moderator, Mr. Corcoran about procedures for the Special Town Meeting. When asked if the amendments must be voted on individually, Mr. Corcoran indicated the possibility of explaining each amendment and then voting to adopt the bylaw as amended. Mr. McClennen will be meeting with Mr. Purcell this week.

The Director received a letter from Donald H. Katz, attorney for Malcolm G. Stevens, Inc. in which he expressed his concern relative to the fact that although the company has operated in the town for the past 32 years it must continue to operate subject to its status as a "pre-existing non-conforming use."

There will be a Zoning Board of Appeals hearing relative to the Park Circle Nursing Home's desire to build a 50-bed, 3-story, brick nursing home. Under the new zoning bylaw this is a non-conforming use in the R1 district. The Department is recommending denial of this request.

Motion: By Mr. Tulimieri, seconded by Mr. McCarthy to support the Department's position of denial for the request for a special permit by the Park Circle Nursing Home. Unanimous vote in favor.

September 29, 1975

The Director asked the Board to amend the Hilgenhurst contract to include the costs of printing more than 25 copies. He explained to the Board that the reason why the cost is considerably higher than anticipated is the addition of the hand-folded maps which are costly.

Motion: By Mr. McCarthy, seconded by Mr. Tulimieri, to execute the amendment to the Hilgenhurst contract to increase the number of copies to be provided from 25 to 500 and to increase the compensation in an amount equal to direct publication costs. Unanimous vote in favor.

The Director read a list of net increases of additional dwelling units that could be built in Arlington. Under the old zoning bylaw, the total was 8,130 units, excluding the PUD district. Under the new zoning bylaw, there would be an additional 3,330 possible units, and the population growth would be cut by about two-thirds.

#### Other Business

The Board discussed an additional amendment on swimming pools but decided not to add one.

#### Adjournment

Motion: By Mr. Sheehan, seconded by Mr. Tsoi to adjourn at 10:15 p.m. Unanimous vote in favor.

Respectfully submitted,



Alan McClennen, Jr.  
Secretary ex-officio

AMcC/aa