

ARTICLE 105. Zoning By-Law Change. Article 9 of Town's By-Laws amended by deleting in the first sentence of Section 9.05, Sub-section a. the words "Special exception" and inserting in place thereof the words "Special Permit"; in same sentence, deleting words "changed use" and inserting in place thereof words "new use"; and by deleting second sentence; amending Section 9.05, Sub-section b. by deleting words "or to another nonconforming use which is not a substantially different use". VOTED (Unanimously): April 29, 1987.

ARTICLE 106. Zoning By-Law Change. Declared Lost—Lacking 2/3 vote and minimum of 85 in the affirmative: April 29, 1987.

ARTICLE 107. Urban Self-Help Program. Town amends vote taken under Article 88 of June 4, 1980 Annual Town Meeting by adding provision authorizing Board of Selectmen and other appropriate town agencies to seek funding under Urban Self-Help Program, Chapter 933 of Acts of 1977 as amended, and to enter into any contracts therefor. VOTED: April 29, 1987.

ARTICLE 108. Zoning By-Law Change. Withdrawn without prejudice: March 23, 1987.

ARTICLE 109. Zoning By-Law Change. Withdrawn without prejudice: March 23, 1987.

ARTICLE 110. Zoning By-Law Change. Town's Zoning By-Laws and Map amended to include Block Plan 164 E 6 (1188 Massachusetts Avenue) in R5 District. VOTED (Standing Vote, 89 in the affirmative, 2 in the negative): April 29, 1987.

ARTICLE 111. Zoning By-Law Change. VOTED No Action: April 29, 1987.

ARTICLE 112. Emergency Preamble to Article III. VOTED No Action: April 29, 1987.

ARTICLE 113. Zoning By-Law Change. VOTED No Action: April 29, 1987.

ARTICLE 114. Zoning By-Law Change. VOTED No Action: April 29, 1987.

ARTICLE 115. Zoning By-Law Change. VOTED No Action: April 29, 1987.

ARTICLE 116. By-Law Change. VOTED No Action: April 29, 1987.

ARTICLE 117. Zoning By-Law Change. VOTED No Action: April 29, 1987.

ARTICLE 118. Ban on Testing of Nuclear Weapons. Resolved: It shall be policy of people of United States that government of United States enter into bilateral, verifiable, comprehensive ban on testing nuclear weapons; Town requests our U. S. Congressman and Senators to vote for such ban and request our state legislators to memorialize Congress to vote for such ban. VOTED (Standing Vote, 67 in the affirmative, 61 in the negative): May 4, 1987.

ARTICLE 119. Express Position on Central America. Declared Lost (Standing Vote, 55 in the affirmative, 83 in the negative): April 29, 1987.

ARTICLE 120. Transfer of Land. Withdrawn: April 29, 1987.

ARTICLE 121. Transfer of Money — Sale of Lots and Graves. Withdrawn: May 6, 1987.

ARTICLE 122. Use of Overlay Reserve Surplus. Sum of \$250,000 transferred from Overlay Reserve Surplus for previous Fiscal Years to fund unforeseen and extraordinary increase above and beyond what was allocated when Budget 36A, Group Health was prepared. VOTED: March 30, 1987.

ARTICLE 123. Use of Free Cash to Reduce Tax Rate. Sum of \$8,508 voted for appropriation heretofore made at Town Meeting under this Warrant, and not to be borrowed or taken from Available Funds in Treasury, or from unexpended balances of special appropriations made in other years, shall be taken from Available Funds in Treasury; Assessors instructed to use said amount in determination of Tax Rate. VOTED (Unanimously): May 6, 1987.

ARTICLE 124. Stabilization Fund. Withdrawn: May 6, 1987.

ARTICLE 125. WWI Veterans, Funds for Quarters. Sum of \$400 appropriated to provide suitable quarters for Arlington Barracks 2701, Veterans of World War I. VOTED (Unanimously): May 6, 1987.

Resolution reaffirming the Town's commitment for collective bargaining and its strong opposition to binding arbitration on the Town Meeting body and/or the Town's bargaining agent or Chief Executive Officer and further that if our State Senator or Representatives vote favorably for binding arbitration that they explain the reason for that vote to the Town meeting body. VOTED: March 16, 1987.

Special Town Meeting — March 18 and April 1, 1987

Session	Date	Total Members	Members Present	Percentage Present
1st	3/18/87	227	153	67%
*2nd	4/1/87	225	152	68%

*Dissolved

ARTICLE 1. Report of Committees. Report of various committees were received. March 18, 1987.

ARTICLE 2. Transfer of Land — Lake Street. Declared Lost (Standing Vote, 41 in the affirmative, 89 in the negative): March 18, 1987.

ARTICLE 3. Zoning By-Law Change. VOTED No Action: March 18, 1987.

ARTICLE 4. Increase in Sanitation Budget. Sum of \$655,750 appropriated to fund unexpected increase in Budget 24, Sanitation, precipitated by increased tipping fees; further, \$117,210 of said sum to be transferred to Reserve Fund to repay sum previously transferred from Reserve Fund for this purpose. VOTED: April 1, 1987.

ARTICLE 5. Appropriation, Workers' Compensation. Sum of \$36,000 appropriated to defray costs incurred by Workers' Compensation Department of Town for 1987 expenditures, precipitated by changes in law after passage of Budget 36C of 1986 Annual Town Meeting. VOTED: April 1, 1987.

ARTICLE 6. Appropriation, Medicare Expenses. Sum of \$25,000 appropriated to fund Town's share of Medicare Expenses for Fiscal Year 1987. VOTED (Unanimously): April 1, 1987.

ARTICLE 7. Appropriation, Storm Drain, Dracelon/Thesda Streets Area. VOTED No Action: April 1, 1987.

ARTICLE 8. Appropriation — Pension Funding Study. Withdrawn without prejudice: March 18, 1987.

ARTICLE 9. Appropriation — Extend Municipal Telephone System. Withdrawn without Prejudice: March 18, 1987.

ARTICLE 10. Support of Nonprofit Organization, Spy Pond Field. Town supports formation of non-profit organization incorporated under Chapter 180 of the General Laws of Massachusetts to raise and accept funds to initiate and support policies, etc. help maintain, improve and enhance buildings, structures, tennis courts, playing fields and adjoining areas of Spy Pond Field. VOTED: March 18, 1987.

ARTICLE 11. Acceptance of King and Candia Streets. Laying out of Town Ways, substantially in location of private ways designated and more particularly described in Warrant Article 11 as King Street—Upper Portion, King Street—Lower Portion and Candia Street, as made and filed in office of Town Clerk by Board of Selectmen under provisions of law authorizing assessment of betterments, accepted, said way established, said Board authorized to take land for said purpose; provided that no appropriation is made and acceptance expressly contingent upon entire cost of construction being borne by developer, Mario DiBona and Brookview Development Corporation, his successor or assign; construction to Town specifications and otherwise in compliance with legal agreement between Town, Mario DiBona and Brookview Development Corporation, dated April 1, 1987, incorporated herein by reference. VOTED (Standing Vote, 115 in the affirmative, 5 in the negative): April 1, 1987.

ARTICLE 12. Acquisition of Land For Street Acceptance. Board of Selectmen authorized on behalf of Town to purchase or take by eminent domain or otherwise acquire easements in land adjoining location of said ways, laying out of which is accepted at this meeting under Article 11, consisting of right to have said locations protected by having surface of adjoining land slope from boundary of location. VOTED (Standing Vote, 112 in the affirmative, 4 in the negative): April 1, 1987.

ARTICLE 13. Arlington Center Urban Systems Project. Sum of \$550,000 appropriated for defraying construction costs of Arlington Center Urban Systems project in Arlington Center; Treasurer, with approval of Selectmen, authorized to borrow \$550,000 at one time, or from time to time, and to issue bonds or notes of Town therefor; said expenditure contingent upon approval by Selectmen and Town Manager of use of Community Development Block Grant funds of not less than \$550,000, which shall be used to repay this appropriation in full. VOTED (Standing Vote, 111 in the affirmative, 8 in the negative): April 1, 1987.

ARTICLE 14. Transfer of Land. Town to transfer certain parcel of land on north side of Lowell Street between numbers 35 and 49 containing approximately 288 square feet to Watermill Realty Trust; parcel shown on plan entitled "Title Insurance Plan of Land, Lowell Street and Mill Lane in Arlington, Mass." at a Scale 1"=20' dated October 31, 1986, prepared by Boston Survey Consultants, 450 Summer Street, Boston, MA. for the amount of \$1. VOTED (Standing Vote, 100 in the affirmative, 7 in the negative): March 18, 1987.

ARTICLE 15. Zoning By-Law Change. VOTED No Action: April 1, 1987.

ARTICLE 16. Zoning By-Law Change. The Town's Zoning By-Law, Article 6, Section 6.00 entitled Table of Dimensional and Density Regulations, in the District labeled B5 in the column headed "Height, maximum" is amended by deleting footnote L and replacing it with new footnote N in three places in column headed "Stories" and by changing numbers "110" to "75" and "75" to "40" in three places in column headed "Feet", and by inserting new footnote N at end of Table 6.00 with description language following same. VOTED (Standing Vote, 91 in the affirmative, 3 in the negative): April 1, 1987.

1 question, please.

2 The MODERATOR. The motion is to terminate
3 debate, by Mr. Purcell. Do we have a second?

4 (Motion seconded.)

5 The MODERATOR. Mr. Barber, Harry Barber. On
6 the question.

7 (Motion carried unanimously.)

8 The MODERATOR. On the merits, Article 15,
9 Special Town Meeting. The Redevelopment Board
10 recommends no action, in accordance with their printed
11 report on Page 4.

12 (After putting the question) It is a vote,
13 and I so declare it.

14 Article 15 is closed.

15
16
17 Amendment of Zoning Bylaw

18 The MODERATOR. Article 16 is before you.
19 Mr. Falwell.

20 Mr. FALWELL. Article 16 proposed to change
21 the zoning controls on the B5 District which, in
22 essence, is the Mixak site in Arlington Center, for
23 purposes of this article.

24 I would remind you that, rather than look

1 at the white report that we passed out in the first
2 instance, we did, in fact, give you a revised report,
3 which is the blue report, which contains some last
4 minute revisions, which was the reason, you may
5 remember, that we asked postponement of this article.

6 So, I would ask you to refer to the blue
7 report.

8 This article is somewhat complex in
9 connection with the formula that we propose to adopt
10 to deal with the varying height limits on buildings
11 within the B5 District. Mr. McClennen and Kevin
12 O'Brien worked on it for a considerable length of time,
13 and their being more familiar with it in terms of the
14 interrelationships, I would ask Alan McClennen to
15 speak on Article 16, so that he can give you a concise
16 information of the rather technical changes involved.

17 Mr. MCLENNEN. The issue of height has been
18 a major issue in the Town of Arlington for many years.
19 Through a variety of actions in 1978, we ended up
20 with some inconsistencies; and, if you turn to the
21 third page of the blue report, I would like to try and
22 explain those.

23 If you focus with the items that I have
24 noted to delete and to change, we are dealing with the

1 gist of this article.

2 Right now, if one were to build a non-
3 residential building in Arlington Center in the B5
4 District, they could build that building to 110 feet
5 in height, by Special Permit granted, after Environ-
6 mental Design Review, by the Arlington Redevelopment
7 Board. 110 feet is the height of Winslow Towers, to
8 put that in context.

9 If the development is within certain
10 distances from Residence 1 or Residence 2 land, the
11 building can only be 75 feet high. If the building
12 is mixed use, part residential and part non-residential,
13 office or retail, it can still go to 110 feet in
14 height, but only five floors of a building can be used
15 for residential purposes; that is what Footnote L says.

16 If, on the other hand, the development is
17 100 per cent residential, it can only be five stories
18 high.

19 Now, for a number of years, -- and you
20 have read about it in the paper -- the Mirak family
21 has, first, planned to move out of Arlington Center
22 and then planned to redevelop their site and, for the
23 last six or eight months, we have been working with
24 them in a very conceptual way, trying to figure out how

1 this site, when privately developed, can become a
2 significant asset in Arlington Center.

3 One of the things that we found out fairly
4 early on was that, if they wanted to build predominantly
5 residential use, they would be limited to five stories
6 and they would consume a significant portion of the
7 site. And they prepared, and some of you who were
8 at the public hearings saw, a series of block models
9 showing the various implications of the current zoning.
10 And they also showed how they could build a non-
11 residential building that would be 110 feet high.

12 I think all of us agree that 110 feet is
13 more than Arlington should have to put up with. So,
14 we are proposing to change those three provisions
15 which are circled by the word, "Change".

16 If you turn to the last page of the hand-
17 out, there are three very simple sketches which attempt
18 to describe what is happening. In the top sketch, you
19 have a building that could rise to 110 feet under the
20 existing zoning bylaws of the Town of Arlington. The
21 lower half of that building can only rise to 75 feet
22 and, if, because it is in what is called a height
23 buffer area, if it had apartments, as I mentioned
24 earlier, only five stories of that building could be

1 apartments. That is what our Bylaw says today.

2 The middle sketch shows the basic proposal
3 that we are making to you. We are lowering 110 feet
4 to 75 feet and we are lowering the 75 feet in the
5 height buffer area to 40 feet; and, in terms of height,
6 we are talking about -- 75 feet is a seven-story
7 building; the buildings immediately east of the Center,
8 on either side, the large, white apartment building,
9 is an eight-story building, and the one across the
10 street, which has the penthouse that is being built on
11 it, is now becoming a nine-story building.

12 The bottom picture shows how we are trying
13 to create a method to permit more creative design. Now,
14 I want to emphasize that nothing in this District
15 happens as a right; it happens through the Environmental
16 Design Review process.

17 So, there were extensive hearings -- many
18 of you have attended them -- where the actual design,
19 color, texture, and so forth, is debated; and the
20 second part of this article allows some variation in
21 what is proposed in the middle.

22 And, essentially, what it says is that the
23 average height of the left-hand half of that building
24 can be 75 feet high, but, through Environmental Design

1 Review, the Redevelopment Board could let that height
2 go up to 87 feet, which is one additional story; but,
3 in exchange for that, another portion of that building
4 has to drop a story; so you end up with a variety in
5 heights.

6 I have given you a very simple sketch of
7 what happens; obviously, the combinations are far
8 greater than that.

9 The bottom line is that we are proposing
10 to drop the heights from 110 feet and 75 feet, to base
11 heights of 75 and 40, with the opportunity, through
12 extensive design review, to permit one additional
13 story up, but, when you get up an additional story,
14 you come down a story as well; so the average is 75
15 and 40.

16 Mr. JOHN L. WORDEN III (Precinct 8). Fellow
17 Town Meeting Members, I want to say that I am in
18 support of this, basically, in support of this
19 article, and I am delighted to see that what I think
20 is the last 110-story height zone in Arlington is
21 finally being put down to something near to a
22 reasonable scale. So, I am very glad to see this and
23 I hope that this article is approved by the Town
24 Meeting.

1 As one of the authors or proponents of
2 Footnote L, -- and I think the 1979 or '80 Town
3 Meeting, which was approved by this Body by an over-
4 whelming majority -- I would like to suggest to you
5 that maybe the deleting of Footnote L is not a good
6 idea.

7 You will notice that the vote that has been
8 put before you in the blue sheet, in the fourth and
9 fifth lines, they ask you to delete Footnote L and
10 replace it with a new Footnote N.

11 Now, what Footnote L does, as Mr. McClennen
12 explained, is limits the number of residential floors
13 in a high-rise building in the Business District to
14 five floors.

15 Now, the reason this was done was not, as
16 it says in the original report of the Redevelopment
17 Board, part of a protracted battle on the building
18 behind us on Mill Street, which would have been 13
19 stories, if this Town Meeting hadn't reduced its height;
20 it was, rather, a response to something we have heard
21 from many candidates for the Board of Selectmen, from
22 many members of the Town Meeting, and so on, that
23 Arlington needs commercial development; Arlington,
24 perhaps, does not need more residential development.

1 And yet, the projects that we have seen,
2 the vast majority that have come before this Body,
3 the ones that are being carried on right now are
4 almost all large-scale residential developments.

5 Now, if that is what you want, that is
6 fine. It has been often said, particularly by members
7 of the Board of Selectmen, that this is not the way to
8 increase the tax base; but yet, when we come to develop
9 something, we are developing residential.

10 So the purpose of Footnote L was to give
11 the Redevelopment Board, through the method of the
12 Zoning Code, a choice, to say, "Okay, if you want to
13 build in our Business District, we are going to let
14 you go up to this awful height," which now they want
15 to reduce, thank goodness, but, "If you want to do it
16 in the Business District, you have got to limit it to
17 five stories, which is the limit for residential
18 buildings elsewhere in the Town."

19 And that is a way of saying to the property
20 owner in the Business District, "If you want to build
21 here, we want you to build commercial office, that kind
22 of construction; we don't want you to put in a seven
23 or eight-story apartment building. We have already got
24 enough of those."

1 And I am sure that Mr. Mizak will do a
2 very fine project and I am sure that it will be well
3 integrated with the successful businesses that are
4 down there, but this is the last big parcel in
5 Arlington Center. This project is going to be, really,
6 whether
7 the key to/the Center works as a commercial center for
8 our community or whether it is just another place where
9 you have got a big apartment building.

10 And so, I would recommend that we amend
11 the vote proposed by the Redevelopment Board, by
12 deleting in Lines 4 and 5, the words, quote, -- and I
13 am going to give a copy of this to the Moderator and
14 the Town Counsel -- I want to delete these words:
15 "deleting the Footnote L and replacing it with," and
16 putting in place of those words, the word "adding",
17 so that it would read as follows: "in the column
18 headed 'Height, Maximum' by adding a new Footnote N in
19 three places in the column", and so on.

20 So, in other words, we would leave Footnote
21 L intact and we would leave in the hands of the
22 Redevelopment Board the opportunity to emphasize to
23 developers in the Arlington Center area that what we
24 are looking for is not a mostly residential development;
 we want to get a certain quantity of commercial and

1 office development in that commercial center of our
2 community. Thank you.

3 And I so move.

4 The MODERATOR. Do we have a second?

5 (Motion seconded.)

6 The MODERATOR. By George Buckley. Thank you.

7 (Under Article 16, the Redevelopment Board
8 recommended passage of the following vote:

9 VOTED: That the town vote to amend the Zoning
10 Bylaw in Article 6, Section 6.00, entitled
11 Table of Dimensional and Density Regulations in
12 the District labelled R5 in the column headed
13 "Height, Maximum" by deleting the footnote L and
14 replacing it with a new footnote N in three
15 places in the column headed "Stories" and by
16 changing the number "110" to "75" and "75" to
17 "40" in three places in the column headed "Feet",
18 and by inserting a new footnote N at the end
19 of Table 6.00 as follows:

20 N. The maximum heights in feet (1) of any
21 building or buildings may be modified by Special
22 Permit of the Arlington Redevelopment Board in
23 any case under the provisions of Article 11.06
24 of this Bylaw provided that the total roof area

1 exceeding either maximum height shall be equal
2 to an equal roof area, (2) within the part of
3 the project to which the same height limit
4 applies, that is less than the maximum height so
5 that (3) the total of the products of the
6 horizontal area of all roofs times their
7 respective heights shall not exceed the product
8 of the horizontal area of the total roof times
9 the applicable maximum height permitted in the
10 district, and provided further that the height
11 of any roof shall not exceed the applicable
12 maximum height permitted in the district by
13 more than twelve feet.)

14 The MODERATOR. On the question. I have not
15 yet ruled that the motion of Mr. Worden is in order,
16 something that I am going to have to be thinking about,
17 but we can continue the debate while we are considering
18 it.

19 I see a hand; Mrs. Fiore.

20 Mrs. ELSIE C. FIORE (Precinct 2). A question
21 for the Redevelopment Board or Mr. McCleannen, because
22 I haven't looked at my Zoning Map lately. Is this the
23 only B5 District or do you have any other B5 Districts?

24 Mr. McCLENNEN. Elsie, there are two other

1 B5 Districts. Bank Five in Arlington Center is in a
2 B5 District, and the area between the railroad right-
3 of-way, Massachusetts Avenue, and Water Street,
4 Coolidge Bank, Day Bank, Harvard Trust, the Associates
5 Block, the MBTA building, and the municipal parking
6 lot are in B5; but I don't think either of those are
7 going to change.

8 If I might, Mr. Moderator, just respond
9 to Mr. Worden, I would suggest that leaving Footnote
10 L in, as he proposes, will probably prevent any
11 significant development from taking place in the
12 Mirak site in the near future. I am mindful of the
13 desire on the part of this Town, and I am aware of why
14 the Redevelopment Board was created, namely, to expand
15 the non-residential tax base.

16 We, in talking with the Miraks over the
17 years, have asked them to put as much non-residential
18 development on that site as they possibly can and, if
19 you read the newspaper a couple of weeks ago, we told
20 them to double what they were talking about as a
21 starter.

22 If you have read anything about the real
23 estate market lately, the vacancy rate in Metropolitan
24 Boston for office buildings is somewhere between 13

1 and 15 per cent. However, as Mrs. Klose says, quite
2 frequently, there are all sorts of office buildings
3 at Alewife that are built, but don't have any tenants.

4 I am quite sure that, if you insert
5 Footnote L and, in essence, tell the Miraks, "You are
6 either going to build a five-story building, and still
7 get the same number of apartments, mind you, -- it
8 doesn't change the number of apartments that they can
9 have -- you are telling them that they can build a
10 five-story apartment building, they probably will not,
11 but they won't build a non-residential building,
12 either, because there is no market there to do that.

13 Mr. DANIEL A. PURCELL (Precinct 11). How much
14 parking area is there going to be for these buildings?

15 Mr. McCLENNEN. These buildings, as you know,
16 Danny, the Mirak side is in a bowl. Between the
17 railroad and Massachusetts Avenue, they will have two
18 levels for parking underground, and there will be
19 about 435 parking spaces to service that development,
20 which is more than adequate to serve the retail,
21 office, and residential uses that they are talking
22 about.

23 Mr. PURCELL. That would take care of about
24 400 cars, approximately?

1 Mr. McCLENNEN. 435 cars, right.

2 Mr. PURCELL. Yes.

3 The MODERATOR. My quick perusal of the proposed
4 change is that, procedurally, it appears to be in order;
5 it appears to be within the scope of the article.

6 There are some very technical matters
7 involved which, first of all, I don't understand, and,
8 second of all, are not my prerogative; and I would
9 appreciate hearing from the Town Counsel on the
10 technical effects or the effects of these technical
11 changes on things like hearings, and notice, and that
12 sort of thing. Mr. Maher.

13 Mr. JOHN F. MAHER (Town Counsel). With all
14 due respect, I think that Harry is trying to pose the
15 question in such a way that I don't make comment on
16 whether or not I think it is within the scope of the
17 article.

18 If that is what he is proposing, I
19 definitely agree, as usual, with the Moderator, that
20 it is within the scope of the article as warned, but I
21 am not sure of any other comments or questions that the
22 Moderator might have of me.

23 I think, making no judgment about the
24 content of the article or the merit of whether or not

1 it should be passed, the proposed substitute motion
2 of Mr. Worden seems to be well within the scope of the
3 article.

4 The MODERATOR. Any problem with the notice
5 or anything like that?

6 Mr. MAHER. No. The Redevelopment Board is
7 proposing to delete a footnote and add another one,
8 and Mr. Worden is proposing to leave the footnote that
9 the Redevelopment Board wants to have deleted to
10 remain in, and simply add the other footnote. So I
11 don't think there are any notice problems; the people
12 were on notice that that footnote may be deleted, but,
13 if Mr. Worden's substitute motion is passed, the foot-
14 note stays in; so I don't see any problem.

15 Mr. FAINELL. The one other point to keep in
16 mind that I am not sure Allan touched entirely on is
17 that, if one does not delete Footnote L and, rather,
18 leaves it in there, the effect of that is very likely
19 to be what we saw at one of the working sessions with
20 the Mirak development team, when they showed us what
21 could be built under the current zoning, and that is
22 to effectively cover a larger portion of the site with
23 building.

24 They can still have the same number of

1 units, instead of having the ability, under our
2 proposed amendment, to perhaps have them in a slightly
3 taller building and covering less of the site, thereby
4 leaving some more open space.

5 They would effectively have to spread that
6 building out to achieve the same number of units and
7 a larger footprint; so, that is one of the reasons we
8 wish to delete L, which is to give us some more
9 flexibility in the size and configuration of the
10 building to hopefully leave some more open space,
11 rather than having them spread all over the site.

12 Mr. JOHN F. DOYLE (Precinct 10). I have a
13 question regarding the effect of the article on the
14 Mixak development. Aside from deleting Footnote L,
15 are there other elements of the article that enhance
16 or in some way facilitate this development?

17 Mr. FALWELL. I don't think so, John. I think
18 all they do is to allow us to be a little more creative
19 in configuring the building, especially with respect to
20 the topography of that site.

21 It is really a recognition, as Mr. Worden
22 said, that perhaps the current Bylaw allowable heights
23 are too large, but, in the same breath, to allow us,
24 while reducing the overall height, to give us some

1 flexibility so that, although the average heights of
2 the buildings will meet those criteria, we can raise
3 and lower them within certain specified limits in one
4 area or the other, although, on the average, still
5 meeting the new heights that the reduced Bylaw would
6 provide.

7 Mr. DOYLE. We could still be doing that with
8 the existing heights, I presume?

9 Mr. FALWELL. Well, not if they come in with
10 a proposal for a 110-foot office building.

11 Mr. DOYLE. If we were to change, in this vote
12 that is before us, the part that would reduce the
13 heights and leave the heights as they are, you could
14 still make modifications to provide some creativity in
15 design, is that correct?

16 Mr. FALWELL. I am not sure. Are you now
17 referring to Mr. Worden's amendment?

18 Mr. DOYLE. I am referring to the vote that
19 you put before us. You have suggested deleting
20 Footnote L, reducing the height from 110 to 75 and 75
21 to 40 feet; I am saying, if you did not reduce the
22 heights, your capacity to suggest the stepping of the
23 elevations of various parts of the building would still
24 be intact, with the rest of the article.

1 Mr. FADWELL. I am not sure I am following the
2 question, John; maybe Alan has picked up on it.

3 Mr. McCLENNAN. John, you are technically
4 correct, but, believe me, if the Zoning Bylaw says that
5 you can have a 110-foot building, everybody that comes
6 in to build is going to want to build to 110 feet, and
7 we don't want that.

8 If you travel Massachusetts Avenue, when
9 the Town of Arlington permitted eight-story buildings,
10 what happened? Every single building was eight stories
11 and it was a big, rectangular box; we do not want that,
12 and we feel that 110 feet and 75 feet is too high for
13 this Town.

14 Mr. DOYLE. I guess the point that I am getting
15 at is that we have just been told that, without the
16 change, what we would get is a big rectangular box
17 that would not be as high as 110 feet.

18 I am of the opinion that one of the
19 comments that was made earlier about the marketplace
20 and what the market will support has some play in what
21 someone will actually build on the site, and that we
22 may not always be acting in the best interests of the
23 Town when we are reducing scale.

24 Scale may not be warranted by the

1 marketplace at this time, but it may be at another
2 time.

3 I don't know that we are facing a
4 proposition for anybody to build a 110-foot building.
5 There has been none proposed that I have heard of for
6 some time, and it seems to me that we are imposing a
7 control that may not be necessary, that we can still
8 provide for the creativity that you suggest in design
9 and reduce the footprint of the building, and we can
10 control the amount of residential units in it, while
11 allowing for the possibility that there might be a
12 taller building with more commercial use.

13 Although the market studies apparently
14 say that Arlington does not have a strong demand for
15 commercial use, those of us who have been looking for
16 office space for some period of time find that there
17 isn't much going begging and that, indeed, it is hard
18 to find a decent location for an office in town,
19 particularly in the Center area, and, beyond that, that
20 the real estate prices have gone through the roof.

21 There is a house, formerly a house, on
22 Mass. Avenue, for sale now, near Brattle Street, with
23 a price tag of \$750,000 on it, on a small lot.

24 If we don't have 110-foot buildings

1 proposed now, I don't see why we should foreclose
2 the possibility, when the market might warrant it; and,
3 beyond that, if we are trying to stimulate commercial
4 development, then the limitation of the residential
5 units that might be allowed within such a building
6 would use the marketplace, while limiting the
7 residential, to draw the commercial development that
8 we are apparently looking for. I think that it is an
9 unwarranted reduction, and I don't know if the
10 sentiment is in the Town Meeting for it or not.

11 But I wanted to say this because I have
12 heard it said for a long time around town, and I think
13 that development will be stimulated if we give it some
14 room; but if we cut it down, then we cannot really
15 expect that we are going to have extensive commercial
16 development.

17 Mr. McGLENNEN. If I could respond to that, Mr.
18 Moderator, just briefly, I would like to emphasize a
19 couple of points.

20 First, what we are talking about in this
21 article does nothing at all to change the amount of
22 square feet that can be built on that site, does
23 nothing at all to change the amount of square feet;
24 I want you to remember that.

1 All we are talking about is the way that
2 square footage should be constructed in the Town of
3 Arlington. Now, within the last year, there has been
4 a significant change in the safety laws in the Common-
5 wealth of Massachusetts and, whenever a building goes
6 over 70 feet, now, there is an added premium that a
7 developer has to pay because it has to become sprink-
8 lered. Developers want to avoid that, if they possibly
9 can.

10 I think that what we are talking about here
11 is something very simple. We do not want buildings
12 that are 110 feet high in the Town of Arlington; we
13 want buildings that are going to be lower. We want
14 buildings in Arlington Center that set the character
15 for this Town.

16 And I would urge you again not to accept
17 Mr. Worden's proposal because I suspect, if you do,
18 we will come back here again and we will fight this
19 battle again, because I don't think that, given the
20 work that the Mixak family has done on this project
21 in the last eight months, that they are going to be
22 able to do what the inclusion of Footnote L would
23 require them to do; and, as Mr. Falwell has pointed
24 out, if you do that, you are also going to end up with

1 a situation where we begin to lose open space around
2 buildings, and that is an extremely valuable thing
3 that we want.

4 Mr. HAROLD H. SEWARD (Precinct 13). I had
5 questions on the wording of the article as presented.
6 It speaks of replacing Footnote L or deleting Footnote
7 L. The footnote, as I understand it, is at the foot
8 of the page, and the letter N or L, or whatever, is
9 maybe the footnote symbol?

10 Mr. McCLENNEN. Yes; N is another footnote.

11 Mr. SEWARD. But N is just the symbol repre-
12 senting the footnote?

13 Mr. McCLENNEN. That is correct.

14 Mr. SEWARD. The footnote is down at the bottom
15 of the page and explains what it means?

16 Mr. McCLENNEN. That is correct, which is in
17 the article.

18 Mr. SEWARD. You mentioned deleting Footnote L
19 in three places?

20 Mr. McCLENNEN. Yes.

21 Mr. SEWARD. It is still in the FUD District?

22 Mr. McCLENNEN. Yes, it is.

23 Mr. SEWARD. The footnote is still at the
24 bottom of the page?

1 Mr. McCLENNEN. That is correct. The only
2 place it is deleted is in the B5 District is the
3 three places on the third page of the handout.

4 Mr. SEWARD. Okay. The Miraks have been very
5 responsible in all their developments, all their
6 property, all their dealings, and I would hate to see
7 them held up or otherwise inconvenienced. I am sorry
8 that the market is not better for more of a business,
9 retail, office, or you name it, property, so that it
10 couldn't be built there.

11 I think, in comparing that to many of the
12 other developments that have been before us and led to
13 such fiascos, I would be in support of not giving them
14 any problems. I am not sure that John's modification
15 would not impede the progress. Thank you.

16 Mr. R. BRUCE WHELTLE (Precinct 12). I am
17 puzzled by Mr. McCleennen's opposition to Mr. Worden's
18 suggestion because, as I understood what Mr. Worden
19 said, the addition would enable the Redevelopment
20 Board to retain flexibility, rather than lose it, and
21 I would like to hear Mr. Worden afforded the opportunity
22 to respond to Mr. McCleennen's objections.

23 The MODERATOR. Mr. Worden, did you have
24 something else you wanted to say, sir?

1 Mr. WORDEN. I don't know that I can really
2 clarify it anymore, but the theory was, on my part,
3 that if you limit residential construction to five
4 stories, you only get five stories of residential
5 construction; and since a developer, typically, wants
6 to go, as Mr. McGlennen points out, as high as he can,
7 that will mean that he will build those other stories,
8 which might be, I guess, an eight-story building,
9 which is what you are talking about now, devoted to
10 commercial or such like type of development; and that
11 is the type of development which I think we would like
12 to encourage.

13 I really find it hard to believe that if
14 this little footnote is left in the Zoning Bylaw, and
15 I do want to emphasize that I support this amendment
16 as helped by what I propose doing to it, but I find
17 it hard to believe that that large site is just going
18 to sit there without something happening to it for an
19 extended period of time; but, at least, maybe that
20 means that Irish American Club won't have to move.

21 Mr. CHARLES T. FOSKETT (Precinct 8). Mr.
22 McGlennen, can you tell us what the anticipated
23 incremental tax revenues will be, after this project
24 is finished, and, also, what the anticipated incremental

1 cost of services to the Town might be?

2 Mr. McCLENNEN. I am not an Assessor and I
3 hesitate to speak for the Assessors, but I think,
4 based on what I think might happen, the incremental
5 tax increase from this project would be something in
6 the order of \$600,000 a year.

7 Mr. FOSKETT. And the cost of services to the
8 Town?

9 Mr. McCLENNEN. I gave you the incremental
10 increase; the net increase would be \$600,000 a year.

11 Mr. FOSKETT. The net increase?

12 Mr. McCLENNEN. That is correct.

13 Mr. FOSKETT. Thank you.

14 Mr. STEPHEN J. GILLIGAN (Precinct 13). I
15 move the question.

16 The MODERATOR. The motion is to terminate
17 debate, by Mr. Gilligan. Do we have a second?

18 (Motion seconded.)

19 The MODERATOR. Seconded by Mr. Barber. Mr.
20 Warren, for what purpose do you rise, sir?

21 Mr. DANIEL E. WARREN (Precinct 20). I move
22 we adjourn.

23 The MODERATOR. The motion is in order; I would
24 like to discourage it, if I can. Do we have a second?

(Motion seconded.)

The MODERATOR. Seconded by Elsie Fiore. On the question.

Before we can put the question to a vote, we need to ask for all those persons who intend to ask for reconsideration on any issue that came before this Special Meeting tonight; and while we are on the question, Mr. Warren's motion only applies to the Special Town Meeting.

On the question. Any notices of intention to ask for reconsideration, Special Town Meeting, only?

(No response.)

The MODERATOR. None. On the question of adjournment.

The Manager has asked me to convey to you the message that, if we do not finish the Special Town Meeting this evening, that we are going to have money problems. On the question.

(After putting the question) The Noes have it.

On the question. All those in favor of terminating debate, by Mr. Gilligan, seconded by Mr. Barber, all those in favor please say, "Yes;" (after putting the question) It is a vote, and I so declare

1 it.

2 On the motion of the Redevelopment Board,
3 Article 16, Special Town Meeting, as amended by Mr.
4 Worden.

5 Now, what we will do first is, we will
6 put the whole thing to you, in other words, the
7 recommendation of the Redevelopment Board with Mr.
8 Worden's proposed amendment. If that does not pass,
9 then we will go to the recommendation of the Redevelop-
10 ment Board.

11 (After putting the question) It is not
12 substituted.

13 On the recommendation of the Redevelopment
14 Board, as it appears in their Revised Report under
15 Article 16 of the Special Town Meeting.

16 (After putting the question) All those
17 in favor stand. The same Tellers.

18 (A standing vote was thereupon taken and the
19 Tellers returned the count.)

20 The MODERATOR. 91 having voted in the affirma-
21 tive, 3 in the negative, the motion of the Redevelopment
22 Board is passed.

23 Article 16 is closed.
24