

MINUTES OF THE MEETING
OF AUGUST 4, 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. Robert J. Annese, Mr. Joseph Collura, Mr. Philip McCourt, Mr. James Carrig and Mr. Frank Cardillo

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

Mr. McClennen reported that he had been contacted this week by Mr. Paul Gaitley who is interested in putting together the sale of the A&P Supermarket at Arlington Heights to Milla Fiat, presently located across the Avenue from Arlington High School. It was noted that the A&P is in a B2 district which does not allow for auto dealerships. It was suggested that the Board invite Mr. Gaitley to next week's meeting for further discussion. Mr. McClennen will contact him and set up a meeting for next Monday evening.

Meeting with Messrs. Annese, Collura

Mr. Annese, attorney for Mr. Joseph Collura introduced the gentlemen present for the meeting. At the outset, Mr. McCarthy stated that due to the fact that he was special counsel for the Town in the legal action with the gentlemen present, he would not take part in any discussion or any vote that might come about. Mr. Annese stated that the purpose of their meeting this evening was to discuss Mr. Collura's property at Oxford/Winter Streets and to determine what development options still existed. He asked the Board if they envisioned any relief that could be granted the owner with respect to the situation. Mr. Tulimieri asked what exactly was meant by "relief". Mr. Annese replied that anything more than single or two-family would be deemed relief though they were primarily thinking in terms of multi-family use. Mr. Pekich pointed out the proposed zoning for that area as being R2 and that it was the intention of the Board to keep it as such. He added that since the decision had been handed down, the Board which is in the midst of revising the town's bylaw, had not really had time to discuss the specific site. Mr. Annese stated that his client would like to be able to use the property for the same purpose as with the intent that they bought it, although they would satisfy themselves with a lesser density. He added that even a business use on the first floor or limited professional offices with apartments upstairs, designed to fit into the residential area, and allow them to recover some of the loss would be satisfactory.

Mr. Pekich pointed out that one concern of the town had been the traffic that proposal would have on the neighborhood and it seemed to him that business uses would add to that traffic problem. He asked Mr. Collura how many floors he had in mind. Mr. Annese answered that the older homes in that neighborhood reach 35' and are 2½ floors high. He said his client is thinking in the line of 15, maybe 20 units and if they thought this would be at all satisfactory with the Board, would try to work out some plans with their architect. Mr. Sheehan asked Mr. Collura if a condominium would help to recover his losses. Mr. Collura responded by saying that it would make little difference.

At this point, Mr. Annese asked to run through some of the arguments that arose during the hearing of this case. He stated that some of the arguments were traffic, height versus residential 2½ story houses, parking and abutter resentment. He also felt that the property was close enough to Mass. Avenue so as not to be an intrusion into a totally residential zone. Mr. Tulimieri asked if there had been any further discussion with the abutters or with the East Arlington Residents Association. Mr. Annese answered that there had been one official meeting but it has been his experience that discussions with private developers gain nothing and it is better to come through the governing body of the town. He added that Mr. Collura has been very conscientious about taking care of the property. Mr. Tsoi asked Mr. Collura if he had examined the proposed zoning bylaw to determine the best proposal he could now offer or if he was coming before the Board with no particular idea in mind. Mr. Annese answered that they were here to see if there is any possibility whatsoever to recover their losses. Mr. Tsoi stated that he saw two obligations of the ARB, first to the Board in general to be cooperative to anybody that shows an interest in the town and second, to the residents in that area who have watched this case so carefully as a test on the Board's validity. Mr. Annese wondered if there could be any possibility of Mr. McClennen sitting down with Mr. Collura and trying to come up with a proposal that would not be considered detrimental to the town. It was the general concensus of the Board members that with the deadline of the bylaw approaching that Mr. McClennen has a very limited amount of time available. The Director did not feel that he could do justice to Mr. Collura in the time remaining. He added that this does not preclude the ARB and the Planning Department supporting a proposal that Mr. Collura may come up with at some time in the future. There was a discussion of Mr. Collura coming up with a warrant article but it was felt that the matter would be controversial enough that the bylaw could suffer drastically by its presence. It was Mr. Tulimieri's feeling that some kind of dialogue with the EAR would be beneficial. Mr. Pekich added that the Board's responsibility is not only to the neighbors and abutters but to developers and to the town; and the Board would gladly look at any proposal Mr. Collura could come up with. The guests thanked the Board members for meeting with them.

Discussion of Final Changes to the Zoning Bylaw and Alternative Warrant Articles

The Director reported that House Bill 5600 still lies dormant and the department is proceeding on the assumption that it will not be enacted

this week. Therefore, the Special Permit procedure will lie with the ZBA and not the ARB. It was decided to include an alternative zoning article in case the bill is passed.

Mr. McClennen spoke with Mr. Muldoon about changing the size of the ZBA and it was Mr. Muldoon's feeling that it should not be increased from its present size of three members. It was the decision of the Board to keep the size of the ZBA at three members.

Granting of special permits -- When the PUD was passed the granting of special permits was given to the Board of Selectmen. It was decided to leave it that way until the new enabling act passes, then transfer the power to the ARB as part of the environmental design review.

On the small lot issue, it was decided to read that vacant lots less than 5,000 square feet, prerecorded, will not be buildable. It was felt that this was controversial enough to leave as a separate article.

The family definition was discussed. The Metcalf & Eddy definition will be the one in the bylaw. It was felt that there is a need for some solid arguments and real facts as opposed to emotional arguments for this article. Mr. Tulimieri suggested some photos showing the number of cars parked on lawns in single-family districts.

Swimming Pools -- It was suggested that the substitute motion should at least prohibit pools from front yards. Mr. Tulimieri will speak to Selectman Walsh to determine his earlier objections. Mr. Tsoi suggested asking all the Selectmen for their opinions on these four exception articles. Mr. Pekich will bring this up when the Board meets with the Selectmen next week.

Recreational Vehicles -- It was thought slides might be appropriate on this subject.

Carnivals -- Carnivals would be permitted in B4 districts only by special permit.

Mr. McClennen reported that no opposition has been received to the town house approach for Pleasant Street.

Design review -- This is in the final stages; it will not be a separate article.

Mr. Sheehan felt it was important that our articles are listed first in order and any 10-voter articles are inserted at the end.

The Director stated that the rules and regulations of the Outdoor Advertising Agency state that you may not have a billboard within 300 feet of a public park; and the billboards in East Arlington are within that limit of the Arlington Bicentennial Park. Also the Highway Beautification Act of '66 stated that any non-accessory sign within 400 feet of a federally assisted road had to be bought out with federal funds and torn down. Mass. Avenue is Route 2A and Route 3, so some day that may come down in Arlington as they have in other towns.

Director's Report

Mr. McClennen said that he hopes to be leaving on vacation next week for the following two weeks. The type will be set by the Advocate this week. The optical character recognition equipment will set the type in about three hours if it works properly.

There was discussion on when the public hearing should be held. It was felt that possibly two or three nights would be necessary. It was decided to call the public hearing on Monday, September 15 and adjourn for as many nights as needed. After the warrant opens there may be some 10-voter warrant articles and public hearings will have to be held for those also.

It was agreed to consider scenic roads for the Annual Town Meeting.

Next week Mr. Gaitley will be meeting with the Board and DeLeuw, Cather will be here to discuss work to date on the Red Line.

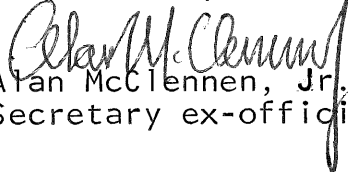
Other Business

Motion: By Mr. McCarthy, seconded by Mr. Tsoi for the ARB to designate 20% of the conference room for smoking privileges to comply with town meeting action. Unanimous vote in favor.

Adjournment

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

Respectfully submitted,


Alan McClennen, Jr.
Secretary ex-officio

AMcC/aa