

COMMUNITY DEVELOPMENT

PLANNING AND COMMUNITY DEVELOPMENT ARLINGTON REDEVELOPMENT BOARD

The Arlington Redevelopment Board (ARB) is the planning board for the Town and fulfills those functions envisioned by the State for local governments to assist in and regulate the development of the town. The ARB is charged with planning for the orderly development of residences and businesses and the streets and infrastructure needed to serve them. This function takes on different appearance in different towns. In Arlington, the Redevelopment Board's planning responsibilities take the form of conducting planning studies, recommending zoning regulations (to Town Meeting), and issuing special permits.

Arlington's planning board differs from most in that it is also a redevelopment authority. Arlington was the first town in Massachusetts to create a combined planning board and redevelopment authority. As a redevelopment authority, the ARB is authorized to own property and to create urban renewal projects such as the Symmes Hospital site. The Board also owns and manages a number of Town buildings which it leases.

The planning board's role in the town is to provide for the orderly development of property and anticipate needs and problems that development or population change or change in economic conditions may bring. The ARB carries out this responsibility by reviewing all significant development projects, commissioning studies, and marshalling grant funds for the development of public facilities to compliment other public development funded by the Town budget. It is the planning studies and the Zoning Bylaw that provide the guidance for how Arlington develops. The documents constitute a policy plan for the Town and instruct the ARB in its issuance of special permits. The Zoning Bylaw lists the uses for property that are allowed in town and specifies where each use is allowed. Certain uses are allowed only by special permit and special permit uses that are of a certain size and location qualify for environmental design review before the Redevelopment Board.

The Department of Planning and Community Development serves as staff to the Redevelopment Board, operates the town's community development program, oversees the home Rehab and weatherization programs and manages the eight buildings under the jurisdiction of the Redevelopment Board.

Personnel Changes

Alice Norman, who worked for the Town of Arlington for twenty-five years and has been the "face" of the Planning Department for many of those years,

dealing with the public, with tenants, with vendors and others, always with humor and diligence and civility and always making us laugh, retired this year. She is missed but we wish her a happy retirement.

Two members of the Redevelopment Board left this year. Nora Mann, who served on the Board for eight years, decided it was time for her to leave in late 2004 but stayed on through the permitting of the Symmes medical office building to provide continuity through that process. Ms. Mann, an attorney by trade, brought her considerable skills to play in dealing with the complex issues that the Board has engaged over the years of her tenure. She also served on several committees as an ARB representative including the Symmes Advisory Committee and the Affordable Housing Task Force.

Barry Faulkner moved out of state and had to resign his position on the Board after nineteen years of service. Mr. Faulkner is a transportation planner and became a lawyer while serving on the Board. His breadth of knowledge from his consulting experience and his years on the Board gave him a perspective that often provided the missing piece in the puzzle the Board needed to solve. Mr. Faulkner left Arlington in the fall to open a law practice in New Hampshire.

At year's end, the Board had acquired one new member. Andrew West, an architect, joined the Board in June. Mr. West has lived in Arlington eleven years and has two children in the Arlington schools

Special Permits

The issuance of a special permit in the environmental design review process usually involves months of meetings with the developer to hone their proposals into something that meets the eighteen criteria against which it must be judged. In 2005, the Board issued a permit for one communication antenna and denied the permit for a second. The denial of a permit is unusual in that the applicants are aware of the criteria against which the permit must be evaluated. In the case of this denial, the applicant failed to change the proposal sufficiently to meet the criteria. The Board also issued permits for a new savings bank in East Arlington, for the renovation of St. Paul's Church, and for the redevelopment of the Symmes Hospital site in two parts. The Board first held eight hearings on the medical office building finally granting the permit in June. Subsequently, the Board held five hearings on the residential portion of the development, granting that permit in September.

The Symmes Story

At the beginning of 2005, the Redevelopment Board proposed that the zoning change passed in September contained a problem introduced by a floor amendment at Town Meeting. The language stated that the zoning district must contain a medical use. Zoning districts are defined by the uses they allow, but

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cannot require a particular use. The language created a stumbling block for financial institutions that refused to finance a building on which the restriction applied. Accordingly, the Board asked the Town Meeting to remove the requirement. Just before Town Meeting, the developer applied for the required special permit to allow the rehabilitation of the former nurses building into a medical office space.

After much debate, the Town Meeting reaffirmed its instructions to the Redevelopment Board to redevelop the site for housing and medical use as it had instructed in 2003 and at a special Town Meeting in 2004.

The Board did not expect the developer to request the special permits for the project in two parts, therefore, when the developer first requested a permit for the medical office building, the Board insisted that the impacts of the entire project must be assessed. All analysis had been done on the basis of the entire project and the Board didn't want a part of the project permitted without consideration of the entire project and any mitigating measures that might be necessary. During the hearings on the medical office building, therefore, the traffic, utilities burden, stormwater system, and such for the whole project (that is, including the proposed residential redevelopment) were evaluated. The Board held eight hearings and granted the permit for the medical component on June 13. The Board wishes to thank the Transportation Advisory Committee and especially its Symmes Subcommittee for the extraordinary effort and the high quality of work as it evaluated the traffic impacts of the Symmes redevelopment.

Hearings on the residential portion began on July 11th and continued through the summer. The Board held five hearings before closing the public comment period and then deliberated for one and one half sessions on the required findings and on conditions it put on the permit, finally granting the permit on September 12th. The two permits allowed the construction of a 26,100 square foot medical office building and 245 residential condominiums. The development was required to provide seven and three quarters acres of open space protected with a conservation easement and maintained according to a specific plan by the developer. A \$35,000 fund was provided by the developer to make improvements to the area. The developer was required to make repairs and improvements in the sewage system in neighborhoods near the site worth \$160,000. The developer was required to install a traffic signal where Hospital Road meets Summer St., construct a sidewalk along Woodside Lane, and make other traffic improvements on neighboring streets worth up to \$300,000.

The construction on the site must be conducted in accordance with a Neighborhood Protection Plan which was created by a consultant working with the

neighborhood and funded by the developer. The plan requires the monitoring of sound and dust and the installation of solid wood fencing around the site to minimize the impact on the neighborhood. In the process of the application and permit process, the size of the residential development was reduced from 258 units to 245 units.

In early October, the permit was appealed by some neighbors to the site – actually two separate appeals. Any permit can be appealed by persons who are aggrieved. When an appeal is filed, the development cannot proceed until it is somehow resolved either through the court or by a settlement agreement between the appellants and the developer. At the close of year, the developer had been unsuccessful in arranging a discussion with the appellants.

The appeal of the permit has significant impact on the Town's financial goals. The goals to make the project revenue neutral and to keep the cost of the project off the tax rolls are both seriously jeopardized by the appeal, which means that the timetable by which the developer had to abide is tolled (frozen) until the appeal is resolved. During this time, the Town must continue to pay the carrying cost of the indebtedness and the costs of insuring and maintaining the property. To these costs are added the legal expenses necessitated by defending the Board's permit. Every month of delay costs the Town over \$45,000 directly and delays the realization of tax revenues estimated to be over \$100,000 per month when the project is finished. If the appeal goes to court, the proposed schedule shows its conclusion in December of 2006. Hopefully a settlement agreement can be reached, but the Town cannot avoid a serious financial setback because of the appeal.

Affordable Housing

Early in the year, a resident proposed to the Board of Selectmen that the Town should be exempt from the requirement to consider a Chapter 40B Comprehensive Permit for housing projects that have at least 25% of the housing affordable under State guidelines. Such a housing project is exempt from local zoning. The resident noted that the State regulations state that if a town devotes 1.5% of its developable land area to affordable housing, it is exempt from the requirement to consider a comprehensive permit project. In other words all projects would have to comply with zoning.

The Selectmen asked the Department to confirm the figures presented by the resident. Unfortunately, the resident had counted one affordable project twice in his calculations so the Town's total land area devoted to affordable housing fell short of the desired 1.5%. To confirm the initial conclusion, the department used its computerized geographic information system (GIS) to independently determine the percentage

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devoted to affordable housing. Using the GIS and the Assessor's data attached to the mapping system, the department determined the amount of land not covered by water or used for streets and subtracted land that is undevelopable by virtue of being publicly owned (all according to the State's "Guidance for Interpreting 760 CMR 31.04(2) Computation of Statutory Minima pursuant to MGL c 40B General Land Area Minimum"). The resultant calculation produced the "total land area zoned for residential, commercial, or industrial use". Next the GIS totaled the area of land devoted to affordable Housing. Comparing the two figures showed that 1.17% of Arlington's land is devoted to affordable housing, falling short of the required 1.5%. The analysis also showed that in order to meet the 1.5%, seven acres of new affordable housing would have to be constructed.