

## **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, population change, or change in economic conditions may bring. The ARB carries out this responsibility by reviewing all significant development projects, commissioning studies, 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.

### **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 2004, the ARB issued permits for three communication antennae and one residential development. The Department began the review process with two additional permits preparing them to be heard in early 2005.

The Board had several meetings on another development for which the permit application was later withdrawn. The Time Olds site on the corner of Mass. Ave and Mill St. was under agreement for over a year and the developer proposed to build condominiums and donating a portion of the site to the St. Athanasius the Great Church so that the church could expand its classroom and function room facilities. The very visible site attracted the attention of neighbors and the Historical Commission. The developer submitted two different design schemes for residential condominiums, but felt that the potential opposition to any of the designs raised an unacceptable level of risk on the property which had already been held for a long period of time. Rather than seek the special permits that were needed for apartment buildings, the developer chose to build what could be done by right such that there are now under construction nine two-family homes and one single family.

The "by right" development of the site alarmed many Arlington residents because of the small size of lots that were allowed for such development in a business zoning district. Consequently the ARB proposed an amendment to the zoning bylaw to make the lot size in business districts more similar to that required in residential districts. The Town Meeting amended the proposal making it even more restrictive and passed it.

### **The Symmes Project**

In 2002 the Town Meeting voted to purchase the Symmes Hospital and turn it over to the ARB. The ARB then financed the study conducted by the Symmes Advisory Committee to determine the best re-use of the site. Proposals were received at the beginning of the year and in February after a series of public presentations, the Board chose Symmes Redevelopment Associates to redevelop the site by building residential condominiums and a medical office building. Half the site was to remain in open space and a public park featuring views of the Boston skyline was proposed.

The ARB spent the next six months negotiating a land disposition agreement that contractually binds the developer and specifies the manner of payment and time of performance. From the start of the negotiation, it was difficult to define terms regarding the medical office building portion of the proposal. The office market is extremely weak in Massachusetts and in order to finance such a building there must be a buyer or a long term tenant. Initially, therefore, the developer sought to sign up a medical provider such that a long term lease would enable the financing of the office space. Professions of interest by the existing provider could not be turned into a commitment even though the developer was making the building available on a nonprofit basis. The developer continued to seek a tenant and the Town eventually negotiated terms regarding the medical

office building that acknowledged the fact that it could not be financed if it did not have an occupant. In this process the Town also lowered the price of the portion of the land for the medical office building by one million dollars in order to make it more attractive. In return the Town may receive excess profits from the development should the profit to the developer exceed an agreed upon amount.

With the land disposition agreement signed, a Special Town Meeting was scheduled for September. An amendment to the zoning Bylaw was proposed that would make the proposed development possible. This step was promised as the final opportunity for the Town to express its approval for the project once the specifics of the development plans were known. Many speakers at Town Meeting expressed doubt that the medical office building would be built. The Redevelopment Board, therefore, introduced a resolution that it encouraged the Town Meeting to adopt. The resolution said that only a medical use would be considered for the medical office building portion of the site without coming to the Town Meeting for approval of a different use. In this way the developer could pursue an occupant for the medical office building and proceed with the project, but if no medical provider could be found, the Town Meeting would have to be consulted to do something else or wait longer and keep trying to find a medical use on the site.

On the day the resolution was introduced, a floor amendment proposed language that said that the district must include a significant medical use component. Zoning cannot create a use, it merely allows uses. In discussion with the Board, the developer objected to the language, but the Board felt the language reflected the intention that all parties wanted and suggested that Town Meeting adopt the new language. Both the floor amendment and the resolution were passed.

Following Town Meeting, the developer decided that the best way to deal with the ambiguity of the zoning amendment was to sign up a medical provider so the medical office building could be financed and obviate any question financial institutions would have about the zoning language that says that the district must have a significant medical use. The developer engaged in negotiations with two medical providers that proposed to provide the comprehensive kind of medical care that the Town desired. The cost of the building, even on a non profit basis proved difficult for the providers and the developer asked the Town to consider a change in the financial arrangement set out in the land disposition agreement. This led to a number of executive sessions with the Board and with the Board of Selectmen, the details of which will become public in 2005.

At the same time, the potential buyers of the medical office building expressed concern that the property could be used only for medical use. They

worried that if they or someone they got to occupy part of the building were to go out of business because of a change in the medical market, that the space could not be used for a general office use in order to pay the rent. They worried about whether they would be able to get financing for the building in the first place.

The developer asked Town Counsel for an opinion on the meaning of the zoning in order to approach financial institutions regarding the residential portion of the development. Town Counsel's opinion clearly stated that there had to be medical use somewhere in the zoning district, that Town Meeting's vote was made with knowledge of the land disposition agreement (which had been distributed to all Town Meeting members), and that the residential portion could proceed before there was closure on the medical office portion. Unfortunately, counsel for the financial institutions said that they would not finance even the residential portion of the project because of the ambiguity of the zoning amendment. Essentially, the developer spent the last three months of the year nearly committing medical providers for the site only to find that they could finance neither portion of the development.

Meanwhile Lahey Clinic continued to operate in the former Symmes Hospital as a tenant of the Redevelopment Board. When the Town purchased the hospital we negotiated a lease in which there was an option to end the lease after two years. It had been expected that the town would need two years to determine how to redevelop the property. The two year period ended in April 2004. We notified Lahey of the termination of the lease in December 2003, but indicated that we would not be ready to sell the property in April and would be willing to extend the lease for a few months. We felt this would useful if they decided to become part of the new medical office building. This offer was made before we received proposals. Lahey did not respond or offer to extend the lease, and also made no arrangement to move out. The Board eventually chose Symmes Redevelopment Associates as the developer and their proposal included a letter of interest from Lahey. The developer gave Lahey an exclusive right to locate in the new building for a period of time. Getting no commitment from Lahey, the developer began contacting other medical providers. The Town then engaged Lahey in a negotiation of ending their tenancy so we could provide the property free of tenants as was agreed to in the request for proposals that sought developers for the site. We eventually agreed that Lahey would remain on the site until February 15, 2005 and recorded the agreement in court.

### **Properties**

The Redevelopment Board owns and operates seven buildings in the town. Most of the buildings are

leased to private tenants except that parts of the Jefferson Cutter House, the Gibbs School and the Central School are used by Town organizations. Many of the buildings are former schools and are located in residential areas where zoning restricts their uses. The majority of uses in the buildings therefore are non-profit and frequently schools. The main use of the Crosby, Gibbs and Parmenter school buildings are private schools which serve many Arlington citizens. The Arlington Center for the Arts and the Kelliher Center, Arlington Department of Recreation, and Learn to Grow daycare center located in the Gibbs School building also serve Arlington citizens in ways that are considered a compliment to the community. In addition to providing needed services, the operation of these properties has preserved the usability of the buildings and returns a positive cash flow to the Town each year.

Another property under the jurisdiction of the ARB is the former landfill known as the Reed's Brook site. The Town purchased the property in 1995 and the Town Meeting decided to turn it into a park in 1997. The completion of the first phase of park construction was finished in 2003. The first phase mitigated the flood hazards by the installation of new storm water facilities including the construction of a three acre storm water detention area. The improvements ended decades of flooding problems suffered by the immediate neighborhood. After a bitterly cold winter the final phase of landscaping was essentially completed by the end of the summer. The park is sleeping through the winter and is expected to be officially opened in 2005 with the playing fields ready for use in the spring of 2006.

As the name implies, the Department of Planning and Community Development also has community development responsibilities. As such, the Department is responsible for the distribution and management of \$1.5 million in federal funds. The funds are earmarked for certain activities only and must generally serve lower income people. These Community Development Block Grant funds can also be used for some public infrastructure projects. Positioning community development responsibilities in the planning department serves to coordinate the efforts. A plan must be prepared each year relative to the distribution of funds and the funds must serve to implement the needs identified and the strategies determined to meet the needs. The funds therefore also serve to support ongoing planning efforts.



**McClennen Park doing its flood mitigation duties:**  
*The two pictures show the outlet end of the detention basin at Reed St. in the morning and in the afternoon of April 2, 2004 following a very large rainstorm. In the morning the basin has filled significantly collecting stormwater from the surrounding neighborhood, then releasing it slowly downstream.*

## Housing

Four years ago in response to one of the identified needs the position of Director of Housing was created within the Department. The housing effort is designed to increase the supply of affordable housing. The Director works closely with the private non-profit Arlington Housing Corporation and with the Northwest Consortium, a group of seven communities (Arlington, Chelsea, Everett, Malden, Medford, Melrose, and Revere) which is eligible for additional federal funds. The Housing Director is responsible for administering Arlington's inclusionary zoning bylaw. The bylaw requires that 15% of all new housing projects over five units be made affordable. This year four units of affordable housing were marketed. The lottery to select income eligible buyers will be held in early 2005. Another three affordable units were permitted in 2004, but construction has not yet begun.

In September, 2004, Arlington received "Housing Certification" from the State's Department of Housing and Community Development (DHCD). Communities that attain "housing certification" receive a 10%

scoring bonus when applying for competitive discretionary grant programs from the Executive Office of Transportation and Construction, Executive Office of Environmental Affairs, Department of Housing and Community Development and the Department of Economic Development.

This is the third year Arlington has been certified, under Executive Order 418. This year, for the first time, each municipality was required to develop a housing strategy in order to receive housing certification. Arlington developed a strategy under the direction of the Affordable Housing Task Force. The strategy was approved by DHCD in September, 2004. The State also looks for progress in development of affordable housing. Arlington's efforts were recognized as constituting significant progress in that regard. Some of those accomplishments are:

- Approved two development projects that will produce 7 affordable units under the Affordable Housing amendment to the zoning bylaw
- Raised private as well as public funds to create affordable housing
- Continued operation of a Fund to Prevent Homelessness
- Added 8 rental units under the "Two Family Affordable Rental Program", for a total of 28 units.
- Continued partnership with a local private lender, as well as other businesses in the community

### **Home Rehabilitation**

Thirty years ago, the nation's energy crisis made it apparent that savings that could be realized through energy conservation made a difference in housing the poor who were least able to make the capital improvement needed to realize the savings. Arlington responded by forming The Menotomy Weatherization Assistance Program This valuable service which allows Arlington's less fortunate to stay in their homes (and it applies to rental units as well as ownership units), and at the same time reduces the nation's energy demand, provides the service without any impact on the Town budget.

The program funded with State and Federal grants is designed to assist low-income households by providing home energy efficiency services and necessary home repairs. The Menotomy Weatherization Assistance Program works in three distinct home improvement areas: weatherization, heating systems and home improvement loans. Typical work completed by the weatherization component includes air sealing, attic and/or sidewall insulation, weather-stripping, and minor repairs associated with energy savings. The heating system component will repair and even replace heating systems, and do heating system tune-ups and safety checks including carbon monoxide testing. In the

heating system and weatherization work, the program, in addition to serving the Town of Arlington, serves the Towns of Belmont, Lexington, Watertown, and the Cities of Cambridge, Somerville and Waltham. During 2004 the weatherization component increased the energy efficiency and comfort for 143 households while reducing their heating bills. During the same period the heating system component replaced forty-five heating systems, four oil tanks, performed one hundred and nine system repairs and provided one hundred and seventy five heating system clean outs.

During 2004 the home rehabilitation loan component assisted sixteen income qualified Arlington households by providing over two hundred fifty thousand dollars in low interest and deferred loans for necessary home repairs to roofs, chimneys, gutters, foundations, walls etc. and retrofit work for the disabled including baths, ramps, and railings. In addition to providing the funds to do the work, the program provides technical counseling and contractor procurement services.

### **Citizen Inquiries**

The department is frequently called upon by citizens for advice on changes that a person may want to make to their property. The Zoning Bylaw contains dimensional regulations which frequently affect the additions and alterations that a property owner can build. The department stands ready to provide such advice and homeowners are encouraged to consult with the department and the building inspector when contemplating changes.