



Town of Arlington, MA Redevelopment Board

Agenda & Meeting Notice March 7, 2022

This meeting is being held remotely in accordance with the Governor's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law G.L. c. 30A, Section 20. Per Board Rules and Regulations, public comments will be accepted during the public comment periods designated on the agenda. Written comments may be provided by email to jraitt@town.arlington.ma.us by March 7, 2022 at 4:00 p.m. The Board requests that correspondence that includes visual information should be provided by March 4, 2022 at 12:00 p.m.

The Arlington Redevelopment Board will meet Monday, March 7, 2022 at 7:30 PM in the
Join via Zoom at <https://town-arlington-ma-us.zoom.us/j/84733721863>, Meeting ID: 847 3372 1863, or by calling (646) 876-9923, enter Meeting ID 84733721863, then #.

1. Warrant Article Public hearings for 2022 Annual Town Meeting

- 7:30 p.m.
- A brief introductory presentation by petitioners will be provided for each article
 - Board members and members of the public will be provided time to ask questions and comment on each article
 - The public will be provided opportunity to comment on each Article

ARTICLE 38

ZONING BYLAW AMENDMENT / TWO FAMILY CONSTRUCTION ALLOWED BY RIGHT IN R0 AND R1 RESIDENTIAL ZONES

To see if the Town will vote to amend Section 5.4 of the Zoning Bylaw by amending definitions and expanding allowable residential uses in the R0 Large Lot Single-Family District and R1 Single-Family District with the goal of diversifying the housing stock; or take any action related thereto.

(Inserted at the request of Annie LaCourt and ten registered voters)

ARTICLE 28

ZONING BYLAW AMENDMENT/ ENHANCED BUSINESS DISTRICTS

To see if the Town will vote to amend the Zoning Bylaw to update Section 5 DISTRICT REGULATIONS to encourage pedestrian activity, maintain an active street, and limit the amount of ground floor retail space occupied by banks, offices, lobbies, and other non-active uses, when feasible; or take any action related thereto. **(Inserted at the request of the Redevelopment Board)**

ARTICLE 29

ZONING BYLAW AMENDMENT/ STREET TREES

To see if the Town will vote to amend the Zoning Bylaw to update Section 2 DEFINITIONS and Section 6 SITE DEVELOPMENT STANDARDS to require street tree plantings for every 25 feet of property facing a street, when feasible; or take any action related thereto. **(Inserted at the request of the Redevelopment Board)**

ARTICLE 30

ZONING BYLAW AMENDMENT/ SOLAR ENERGY SYSTEMS

To see if the Town will vote to amend the Zoning Bylaw to update Section 2 DEFINITIONS and Section 6 SITE DEVELOPMENT STANDARDS to allow for and require installation of solar energy systems for buildings subject to Environmental Design Review with certain exceptions; or take any action related thereto. **(Inserted at the request of the Redevelopment Board)**

2. Draft ARB Meeting Schedule May through December 2022

- 9:30 p.m. • Board members will review and discuss draft meeting schedule through December 2022.

3. Open Forum

- 9:40 p.m. • Except in unusual circumstances, any matter presented for consideration of the Board shall neither be acted upon, nor a decision made the night of the presentation. There is a three-minute time limit to present a concern or request.

4. Adjourn

Estimated time for adjournment is 10:00 p.m.

5. Correspondence Received:

Correspondence received from:

N. Mann 3-5-2022
D. Seltzer 3-6-2022
E. Pyle 3-6-2022
P. Parise 3-6-2022
B. Kun 3-7-2022
C. Carney 3-7-2022
C. Cunningham 3-7-2022
E. Cahill 3-7-2022
J. Weber 3-7-2022
L. Vivenzio 3-7-2022
S. Blagden 3-7-2022
A. Hollman 3-8-2022
J. Weber 3-8-2022
R. Peterson 3-8-2022



Town of Arlington, Massachusetts

Warrant Article Public hearings for 2022 Annual Town Meeting

Summary:

7:30 p.m.

- A brief introductory presentation by petitioners will be provided for each article
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ATTACHMENTS:

Type	File Name	Description
Reference Material	Agenda_Item_1_-_DPCD_Memo_to_ARB_regarding_Articles_38__28__29__30_dated_03-	DPCD Memo to ARB regarding Articles 38, 28, 29,

	07-22.pdf	30 dated 3-7-2022
▢ Reference Material	Agenda_Item_1_-_2022_Two_Family_Presentation_update.pdf	2022 Two Family Presentation
▢ Reference Material	EnhancedBusinessDistricts_PPT.pdf	Enhanced Business Districts Presentation
▢ Reference Material	StreetTrees_PPT.pdf	Street Trees Presentation
▢ Reference Material	SolarZoning_PPT.pdf	Solar Zoning Presentation

R District Building Height and Floor Area Ratio Regulations (see 5.4.2(B) for exceptions)

		Maximum Allowed		
District	Use	Maximum Height (ft.)	Maximum Height (stories)	Maximum Floor Area Ratio (FAR)
R0, R1				
	Single Family detached dwelling, <u>two family dwelling, duplex dwelling</u>	35	2 ½	-----

By adding the letter "Y" to the "Use Regulations for Residential Districts" table in Section 5.4.3, in the rows labeled "Two family dwelling, duplex" under the columns labeled "R0" and "R1"; so that the first two columns of said rows read as follows:

5.4.3 Use Regulations for Residential Districts

Class of Use	R0	R1	R2	R3	R4	R5	R6	R7
Residential								
Single-family detached dwelling	Y	Y	Y	Y	Y	Y	Y	Y
Six or more single family dwellings on one or more contiguous lots	SP	SP	SP	SP	SP	SP	SP	SP
Two-family dwelling, duplex	<u>Y</u>	<u>Y</u>	Y	Y	Y	Y	Y	Y

Background

For Special Town Meeting 2020, Warrant Article 18 *Improving Residential Inclusiveness, Sustainability, and Affordability by Ending Single Family Zoning* was filed by citizen petition. The STM 20 Article and this Warrant Article share one commonality: allowing two-family and duplex dwellings in R0 and R1 Zoning Districts. The Redevelopment Board reviewed and deliberated on the Article. The ARB Recommended Vote of No Action (4 Yes, 1 No) discussing that the ARB believed that the Article could address,

“the racist legacy of single-family zoning in Arlington, improve environmental sustainability, increase housing choice; and allow for more affordable homes. The ARB also believed that it is important for the Town of Arlington to consider the past actions of both the Town and private entities, reflect on those actions, and determine a way to mitigate and reverse those actions. The ARB acknowledged that the Article reflected a larger policy conversation that the town should have and was interested in hearing from Town Meeting Members on this topic after hearing a wide variety of opinions during the course of public dialogues in 2020.”

The ARB expressed concerns about the 2020 Article and ultimately recognized that there is no clear understanding of the impact of similar rezonings due to the recent nature of similar zoning changes in other States. There was also concern about a lack of public engagement regarding the 2020 Article. The ARB made the following suggestions in 2020:

1. Requiring that any two-family or duplex home that is built appears as a single-family home;
2. Codifying certain design requirements to maintain the appearance of a single-family home as well as minimizing changes that may alter the streetscape view; and
3. Capturing the value gained by building two homes versus one home by requiring a percentage payment to a municipal affordable housing trust fund based on the sales price or assessed value.

The staff provide the following additional considerations relevant to this article, a number of which were provided to the ARB in 2020 but have been updated here to reflect January 2022 data from the Town Assessor:

Affects Land Use in Low Density Residential Districts (R0 and R1)

The majority of land in Arlington is zoned for residential use, with 60% of total land area falling within the R0 and R1 Zoning Districts. Of Arlington's land zoned for residential use, 80% is restricted to single-family homes. Arlington has very little undeveloped land within its residential districts: within R0 and R1 districts, 28 parcels are classified by the land use code "Developable" or "Potentially Developable."¹

The proposed amendment would expand the ability of property owners to create additional housing within these two districts by allowing existing structures to be converted to two-family structures by right. It would also permit structures in R0 and R1 districts to be redeveloped from single-family to two-family homes by right so long as the new development complies with the dimensional requirements of the Zoning Bylaw. Note that the dimensional requirements for each zoning district would remain the same, requiring any additions or new construction to comply with the allowable dimensional requirements for their respective zoning district.

Conforming vs. Nonconforming Parcels in the R0 and R1 Zoning Districts

Single-family homes occupy 93% (504) of the 546 parcels in the R0 district and 89% (6,808) of the 7,635 parcels in the R1 district. In 2021, staff worked with the Town's Director of GIS/Systems Analyst to assess the potential impact of the proposed amendment to allow construction of energy efficient homes on nonconforming lots. Through that analysis and as shown in Table 1 below, it was discovered that approximately 82% of lots in the R0 district and 57% of lots in the R1 district conformed to the minimum lot area and frontage set forth in the zoning bylaw.²

Table 1: R0 and R1 Dimensional Requirements³				
Zoning District	Minimum lot size	Minimum frontage	Conforming lots	Nonconforming lots
R0	9,000 sf	75 feet	82%	18%
R1	6,000 sf	60 feet	57%	43%

This data suggests that approximately 42% of single-family homes in the R0 and R1 could not be demolished and replaced with a two-family home by right unless they also created an energy-efficient foundation per Section 5.4.2(B)(8) of the Zoning Bylaw. Additions to properties on nonconforming lots can only be made after receiving a Special Permit through the Zoning Board of Appeals, which since December of 2020 has incorporated the *Arlington Residential Design Guidelines*⁴ into its review process. Additionally, 744 properties in the R0 and R1 districts are subject to Conservation Commission review, and 195 properties in the R1 district are within a local historic district and subject to the Arlington Historic District Commission review process.

Potential for Replacement or Redevelopment of Single-Family Structures

In the *Report on Demolitions and Replacement Homes*,⁵ DPCD identified two conditions that have led to the demolition and replacement of homes in the last decade: structures located on lots large enough to be subdivided, and older, smaller properties that often do not meet modern owners' lifestyle

¹ Arlington Assessor data, pulled 1/4/2022.

² Undeveloped, or 0-lots, were not included in this analysis.

³ Note that the analysis conducted in 2021 included nonresidential parcels (e.g., schools, churches), however because the median lot size of nonresidential parcels in the R0 and R1 district is 29,387 square feet it is statistically likely that most nonresidential parcels are conforming.

⁴ Arlington Residential Design Guidelines (2020), available at

<https://www.arlingtonma.gov/home/showpublisheddocument/54518/637472609831970000>

⁵ DPCD Report on Demolitions and Replacement Homes, pg. 24.

preferences. The analysis determined that there are a limited number of lots that could be subdivided by right (81 total in the R0 and R1 zoning districts).

Staff then identified smaller, older single-family homes where there is an incentive for an owner to tear down a small home and replace it with one that maximizes the available square footage within the zoning restriction. Using 1980 as a threshold for structure age, 1,500 square feet finished area as a threshold size,⁶ and the minimum required lot sizes for each zoning district, staff identified 690 homes that meet these thresholds. A second analysis was run using the Department of Housing and Community Development (DHCD) definition of a “starter” home, which per DHCD standards is less than or equal to 1,850 square feet. A breakdown of relevant datapoints for those homes is included in table 3 below.

	All Homes		Older, Smaller Homes on min. area or larger lots		Older, “Starter” Homes on min. area or larger lots	
	R0	R1	R0	R1	R0	R1
Total	504	6,808	7	683	34	1,527
Median year built	1954	1940	1953	1948	1953	1950
Median square footage	2,691	1,860	1,440	1,317	1,655	1,536
Median assessed value	\$1,006,400	\$781,700	\$738,700	\$686,000	\$805,550	\$716,300
Median land value	\$525,450	\$446,000	\$530,500	\$448,400	\$514,200	\$451,500
Land value as a proportion of total value	52%	57%	72%	65%	64%	63%

These homes represent a small portion of properties in the R0 district (1.4%), and a slightly larger proportion of properties in the R1 district (10%). These proportions may be slightly higher than actual, as properties with nonconforming frontage were not included in the analysis. There is potential for smaller, older homes to be replaced with new two-family structures under the proposed amendment, especially where the ratio of land to total value of a property is high. However, the factors that lead to these homes being considered desirable for replacement is not a new consideration that would be introduced by the proposed amendment; such properties can and sometimes are redeveloped as single-family structures under Arlington’s current zoning.

Current Rates of Demolition and Large Additions

Between 2010 and 2022, 322 permits were issued in Arlington for substantial residential construction projects in Arlington’s low-density zoning districts: 261 for demolitions and 61 for major renovations. On average, 27 permit applications were filed each year. During the same twelve-year period, 67 permit applications were processed for demolition permits to replace a single-family home with a two-family home in the R2 district, a rate of six converted properties a year.

Real Estate Turnover and Sales Prices in Arlington

The ability to demolish and replace single-family structures with new single or two-family structures is limited by several factors. First, as outlined above, existing nonconformities and review processes serve as barriers to simple, by right, redevelopment, either lengthening the process or deterring redevelopment of those properties entirely. Second, Arlington property owners tend to stay in their homes for many years. Data from an analysis of Assessor’s records for properties that were demolished or substantially renovated

⁶ 1,500 square feet was selected as a threshold as it is roughly half of the average square footage of newly constructed homes in the R1 zoning district.

between 2010 and 2020 reveals that the median tenure of the resident who owned a home prior to the purchaser who ultimately demolished or renovated it was 23 years. The middle 50% of sellers lived in their home between 12 to 40 years. Third, turnover of homes in Arlington's real estate market is low. According to Multiple Listing Service (MLS) data, the median number of single-family homes sold each year in Arlington is 277.⁷

Home sales exceeded this median only slightly in 2021, with 296 single-family homes sold. Below are data on sales prices by zoning district; single-family home sales are shown for the R0 and R1 districts, while data on condo sales is shown for the R2 district.

Table 3: 2021 Home Sales: Reported in Assessor Data					
Zoning District	# Sales (2021)	Med. Sale Price (2021)	Med. Assessed Value (2022)	Med. Year Built	Med. sf
R0	35	\$1,300,000	\$1,116,100	1952 (2 built since 2015)	2,687 sf
R1	261	\$905,000	\$757,400	1939 (3 built since 2015)	1,833 sf
R2	154	\$746,500	\$683,700	1923 (2 built since 2015)	1,607 sf

Two Family and Multi Family Homes in the R0 and R1 Zoning Districts

Two-family and multi-family homes are currently in the R0 and R1 zoning today, although they are considered nonconforming uses. Within the R0 and R1 districts there are approximately 180 condominiums, 194 two-family homes, seven three-family buildings, ten multi-family buildings of four or more apartments, and four properties with multiple houses on one parcel (for example, a single- and a two-family building on one parcel). The majority of these buildings are in the R1 district.

Consistency with the Master Plan and Fair Housing Action Plan

Two of the stated goals of the Master Plan are to provide a variety of housing options for a range of incomes, ages, family size, and needs and to preserve the "streetcar suburb" character of Arlington's residential neighborhoods.⁸ While this amendment would not generate housing affordable to households making 80% of Area Median Income (AMI) or less, it has the potential to result in greater housing choice for middle income households. The proposed amendment does not seek to alter the dimensional requirements of the R0 or R1 zoning districts, thereby ensuring that additions, new construction, or conversions from single-family to two-family housing would be equally consistent with surrounding homes in a neighborhood as new single-family construction.

The proposed amendment is also consistent with Strategy C of the Fair Housing Action Plan, which recommends reforming the Zoning Bylaw to encourage development that increases fair housing choice. Two actions listed under this strategy are to "allow two-family development by right in nominally single-family districts where two-family dwellings were historically commonplace," and to "explore zoning amendments that would allow two- and three-family homes in single-family districts where the total building size is similar to that of abutting single-family homes."

⁷ MLS Total Sold Market Statistics reports for years 2000, 2005, 2010, 2015, and 2018 run by Steve McKenna of The Home Advantage Team on 1/10/2019 and reported in the *Report on Demolition and Replacement Homes*.

⁸ Arlington Master Plan: Your Town, Your Future (2015), pg. 77

Article 28

ZONING BYLAW AMENDMENT/ ENHANCED BUSINESS DISTRICTS

To see if the Town will vote to amend the Zoning Bylaw to update Section 5 DISTRICT REGULATIONS to encourage pedestrian activity, maintain an active street, and limit the amount of ground floor retail space occupied by banks, offices, lobbies, and other non-active uses, when feasible; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

Background

The staff provide the following additional considerations relevant to this article:

- **Applicability of proposed amendment:** This amendment applies to the 353 properties within the Business Zoning Districts (B1, B2, B2A, B3, B4, and B5) with frontage along Massachusetts Ave or Broadway⁹. The ARB reviews approximately ten proposals annually regarding redevelopment of properties and signage, however this amendment would apply only to new development and redeveloped properties. In many reviews, the ARB talks about strategies for activating the public realm or reducing the area of ground floor space dedicated to inactive uses. The proposed amendment would codify the goals, applicability, and requirements for encouraging more active uses at the level of the street, providing clarity around the requirements for both the ARB and applicants.
- **Follows the Industrial Zoning District requirements approved by 2021 Annual Town Meeting:** This amendment applies a modified version of the “Transparency and Access” development standard for Industrial Districts under Section 5.6.2(D)(3) of the Zoning Bylaw to the Business Districts. The first four standards addressing transparency, façade articulation, and building entries are consistent with the standards for the Industrial Districts, however they have been adjusted to require slightly greater transparency (60% compared to 50% in the Industrial Districts) and more frequent façade articulation (a minimum of 30 feet compared to 50 to 80 feet) to cultivate a slightly higher standard for activation as is appropriate for commercial areas.
- **Complies with regional and national recommendations:** Regional and national standards for ground floor activation were consulted in developing the amendments. For example, the Congress for New Urbanism (CNU) notes that blank walls greater than 30 feet in length are detrimental to the vibrancy of main streets and downtowns¹⁰. While façade articulation at a minimum of 50 to 80 feet is appropriate for the Industrial District, façades along Arlington’s commercial districts are substantially shorter. For example, the façade at 190 Mass Ave (formerly Adventure Pub) is just under 25 feet, and the façade of the dual storefront at 474 and 476 Mass Ave (U Sushi Café and a vacant storefront) is 32 feet. Restaurants, such as Acitrón Cocina at 475 Mass Ave and the former Not Your Average Joes at 645 Mass Ave have 54 and 64 a foot façade, respectively.

Regarding limiting the size and improving the visibility of lobbies, staff looked to Boston-region municipalities with areas of mixed-use development to understand how other communities have addressed lobby access to upper floor uses in their zoning. The proposed language, which places non-dimensional limits on the size of lobby areas on the ground floor to preserve more space for active uses, has been adapted from Somerville’s zoning ordinance.

⁹ Note that 97 of these properties are condominiums and unlikely to be resold or redeveloped as a group; leaving 256 properties subject

¹⁰ CNU, “A Handbook for Improved Neighborhoods”, 2020-2021, available at <https://www.cnu.org/sites/default/files/AARP-CNU-Enabling-Better-Places-12220si.pdf>

- **Consistency with the Master Plan and the Arlington Heights Neighborhood Action Plan:** The Master Plan recommends implementation of the Koff Commercial Center Revitalization Report, which indicates that the zoning bylaw should be revised to support desired and appropriate building placement, form, scale, density, and mix of uses¹¹. The Warrant Article appears to be consistent with this goal.

Amend SECTION 5.5.2:¹²

5.5.2(B) Development Standards

- (1) **Purpose.** The purpose of this Section 5.5.2(B) is to encourage pedestrian activity, maintain an active street, and limit the amount of ground floor space occupied by banks, offices, lobbies, and other non-active uses.
- (2) **Applicability.** In the Business Districts, new construction, additions over 50% of the existing footprint, or redevelopment with frontage on Massachusetts Avenue or Broadway subject to review by the Arlington Redevelopment Board shall be governed by all regulations of this Section as well as all other applicable provisions of this Bylaw. to provide the following:
- (3) **Administration.** This Section 5.5.2(B) shall be administered subject to Section 3.4, Environmental Design Review Special Permit by the Arlington Redevelopment Board.

(4) Standards

Transparency and access. In the Business Districts, the following requirements apply to all new construction, additions over 50% of the existing footprint, or redevelopment:

- The required minimum transparency of the ground floor principal façade visible from a public right-of-way is 60% of the area measured between 2 and 8 feet in height from the level of the finished sidewalk.
- All façades visible from a public right-of-way shall be given equal treatment in terms of architectural detailing. No blank façades are permitted. Façades shall be articulated a minimum of every 30 feet.
- Each ground floor storefront in a building shall have a clearly defined primary entrance that faces the principal street. A corner door may be used for a building that faces two public streets.
- The primary building entry shall be connected by an accessible surface to the public sidewalk.
- Lobby entrances for upper story uses should be optimally located, well defined, and clearly visible, and separate from the entrance for other ground floor uses. Buildings should use any combination of articulation, a double-height ceiling, a distinctive doorway, a change in wall material, a change in paving material within the frontage area, or other architectural element(s) to make lobbies visually and materially distinctive. Lobby entrances for upper story uses may be located on a side or rear façade of a building.
- Lobbies should be limited in both width and total area to preserve floor space and façade frontage for other ground floor uses.
- Existing commercial spaces with frontage exceeding the above dimensional requirements are exempt.

¹¹ Arlington Master Plan: Your Town, Your Future, 2015, pg. 107

¹² Highlighted text indicates changes from the 2022 Annual Town Meeting Draft Zoning Bylaw Amendments published on February 17, 2022.

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Background

The staff provide the following additional considerations relevant to this article:

- **Applicability of proposed amendment:** This amendment applies to the 353 properties within the Business Zoning Districts (B1, B2, B2A, B3, B4, and B5) with frontage along Massachusetts Ave or Broadway¹³. The ARB reviews approximately ten proposals annually regarding redevelopment of properties and signage, however this amendment applies only to new development and redeveloped properties. In recent years, members of the Board have raised concerns about a lack of public shade trees along the public right of way fronting these properties. The proposed amendment would codify the goals, applicability, and requirements for providing public shade trees, thereby clarifying the requirements both for the Board and applicants.

- **Current regulations around street trees**

Article 16: Tree Protection and Preservation of the Town Bylaws states:

“The preservation of the tree canopy and planting of replacement trees is essential to preserving the character and aesthetic appearance of the Town and maintaining quality of life and the environment in the Town. Trees improve air quality, protect from heat and glare, reduce noise pollution, limit topsoil erosion and stormwater runoff, provide natural flood control, enhance property values, contribute to the distinct character of neighborhoods, and offer natural privacy to neighbors.”

The bylaw goes on to describe the Town’s procedures and requirements for the preservation of trees, noting that the Arlington Redevelopment Board may waive the requirements of the bylaw for sites under its jurisdiction where the waiver serves the interest of the community.

Notably, Article 16 applies only to trees located on private property. The Department of Public Works (DPW), operating through the Tree Warden, maintains an inventory of public trees and plants 200 to 300 new street trees annually. Some are replacements of dead or diseased trees; however, the majority are trees planted with the goal of increasing Arlington’s public shade tree canopy.

Along the commercial corridors, there is limited area for trees to be planted inland of the right of way, or on private property. Combined with the Town’s expressed interest in improving streetscape conditions and the ARB’s recent requests for applicants to incorporate public shade trees into their redevelopment proposals, the amendment supplements DPW’s tree planting efforts by requiring applicants to incorporate public shade trees into their landscaping strategies.

- **Local and regional precedent for street tree requirement:** The amendment reflects the Industrial Zoning District amendments as adopted by 2021 Annual Town Meeting, with the exception that it requires a slightly tighter spacing of public shade trees (every 25 feet in

¹³ Note that 97 of these properties are condominiums and unlikely to be resold or redeveloped as a group, leaving 256 properties subject

comparison with the requirement in Section 5.6.2(B)(5) for 35-foot spacing). Many zoning bylaws and ordinances throughout the Commonwealth require the provision of public shade trees as part of development or redevelopment in commercial areas. The proposed amendment follows the standards established in other communities, as well as standards implemented by the Tree Warden, Tree Committee, and Conservation Commission, including requirements regarding tree placement, size, type, and maintenance.

- **Amendment details**

The amendment establishes minimum standards for newly planted trees, including a requirement to select trees from a list approved by the Arlington Tree Warden, who with the Arlington Tree Committee maintains such a list. Additional standards are provided regarding tree height and caliper, as well where new plantings should be located and the appropriate distance between public shade trees. The amendment includes provisions to ensure that newly planted trees are maintained in compliance with the American Standard for Nursery Stock; This standard is consistent with requirements of the Arlington Conservation Commission.

A 25-foot spacing is the general standard for spacing of public shade trees. The amendment describes situations in which the ARB may provide some flexibility, such as instances where a planting would present a significant curbside barrier or conflict with sidewalk width requirements of the Americans with Disabilities Act (ADA).

The proposed amendment exempts applicants who are seeking minor renovations or sign approvals. Properties where there are presently sufficient shade trees to meet the stated requirement are also exempt. Finally, the amendment grants the Board the flexibility to relax the standards should other physical barriers prevent plantings at the required spacing.

- **Consistency with the Master Plan:** The Master Plan states that in addition to environmental and public health benefits, trees have a significant impact on the quality of the pedestrian's experience in Arlington's commercial centers and neighborhoods. This amendment supports the Master Plan goal of addressing street tree problems, including replacement of trees lost due to age, storms, and failed survival of newly planted trees¹⁴. It also coordinates tree care between the Town and property owners.

Amend SECTION 2:¹⁵

Public Shade Tree: A tree planted within the furnishing zone of a **sidewalk public right of way** as an element of a thoroughfare consistent with [G.L.c. 87, § 1](#).

Amend SECTION 6:

6.3 PUBLIC SHADE TREES

6.3.1 Purpose

The purpose of this Section 6.3 is to:

- A. Provide for adequate **public** shade tree coverage along Arlington's main corridors;
- B. Implement carbon neutral policies of the Town of Arlington;
- C. Address heat island effects emanating from Arlington's main corridors;

¹⁴ Arlington Master Plan: Your Town, Your Future (2015), pg. 191.

¹⁵ Highlighted text indicates changes from the 2022 Annual Town Meeting Draft Zoning Bylaw Amendments published on February 17, 2022.

D. Enhance public health and walkability with proper shading.

6.3.2 Applicability

In the Business Districts, new construction, additions over 50% of the existing footprint, or redevelopment with frontage on Massachusetts Avenue or Broadway subject to review by the Arlington Redevelopment Board shall provide one public shade tree every 25 linear feet of lot frontage along the public right of way.

6.3.3 Administration

- A. This Section 6.3 shall be administered subject to Section 3.4, Environmental Design Review Special Permit by the Arlington Redevelopment Board.
- B. After the effective date of this Bylaw, public shade trees shall be provided for any applicable use noted above and subject to Section 3.4, Environmental Design Review and in accordance with the Standards established in this Section.

6.3.4 Standards

- A. Street trees shall be planted within existing and proposed planting strips, and in sidewalk tree wells on streets without planting strips.
- B. Trees shall be selected from the approved tree list set forth by the Tree Committee and approved by the Tree Warden.
- C. When planted, trees must be a minimum height of ten (10) feet or two (2) inches in caliper.
- D. All new trees shall be maintained in accordance with American Standard for Nursery Stock standards for a period of no less than 36 months from the date of planting. Properties in which there are preexisting public shade trees at the required spacing along the public right of way are exempt.
- E. Where there is no other suitable location within the right of way, shade trees may be proposed in locations within the lot, or in exceptional circumstances, the Arlington Redevelopment Board may allow the owner to make a financial contribution to the Arlington Tree Fund.

The Arlington Redevelopment Board may grant an increase in spacing between plantings where a new planting would conflict with existing trees, retaining walls, utilities, and similar physical barriers, or other curbside uses.

6.3.5 Computation

When computation of the number of public shade trees results in a fractional number, any result of 0.5 or more shall be rounded up to the next consecutive whole number. Any fractional result of less than 0.5 may be rounded down to the previous consecutive whole number. The Arlington Redevelopment Board may allow the owner to make a financial contribution to the Arlington Tree Fund in an amount equivalent to the full and fair market value of the additional whole tree.

ARTICLE 30

ZONING BYLAW AMENDMENT/ SOLAR ENERGY SYSTEMS

To see if the Town will vote to amend the Zoning Bylaw to update Section 2 DEFINITIONS and Section 6 SITE DEVELOPMENT STANDARDS to allow for and require installation of solar energy systems for buildings subject to Environmental Design Review with certain exceptions; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

Background

In 2017, the Town hired RKG Associates to work with the Department of Planning and Community Development (DPCD) and the Zoning Recodification Working Group to update the Master Plan's Zoning Audit and provide a pathway to recodifying the Zoning Bylaw. The new audit included the identification of a gap in Arlington's Zoning Bylaw: the exclusion of defining and providing standards for solar facilities. At that time, only ground mounted solar facilities were allowed in the Industrial Zoning District. The main task of recodification was completed in 2018 with additional, substantive zoning amendments occurring in 2019 through 2021. The 2021 Zoning Bylaw amendments included adding new Industrial Uses and standards to Industrial Zoning Districts, including requirements for solar facilities. In 2021, the Net Zero Action Plan was endorsed by the Select Board. The plan includes strategies to encourage solar-ready and solar facility installation throughout Arlington. Following discussions with the Zoning Bylaw Working Group and members of the Clean Energy Future Task Force in fall 2021 and early 2022, the ARB agreed to advance these amendments to Town Meeting to define solar facilities and establish clear site development standards for locating them.

The staff provides the following additional considerations relevant to this article:

- **The Zoning Bylaw's current rules for solar facilities and relationship to the Arlington Master Plan:** Arlington's Master Plan reiterates the Town's commitment to sustainability, energy efficiency, and natural resource protection. While the Master Plan does not explicitly address the goal of this Article to reduce greenhouse gas (GHG) emissions in Arlington, the proposed amendment is consistent with specific recommendations to protect natural resources (by reducing pollution) and preserve open space (by promoting rooftop versus ground-mounted solar).

As part of Arlington's Zoning Recodification, the Town's Zoning Recodification Working Group requested a memorandum from consultants RKG Associates, Inc. to comment on Arlington's Zoning Bylaw. The 2017 memorandum notes missing provisions related to solar facilities in the Zoning Bylaw.¹⁶ The Zoning Audit completed as part of the 2015 Master Plan (Appendix I)¹⁷ also recommends that the "ZBL should address...use of alternative energy sources." Until 2021, solar facilities in Arlington's Zoning Bylaw were referenced only via the allowance by-right of ground-mounted solar installations in the Industrial District, an amendment approved by Town Meeting in 2010¹⁸ to enable the Town's designation as a Green Community under the Massachusetts Department of Energy Resources (DOER) Green Community Designation and Grant Program.

In 2021, Town Meeting approved the addition of Section 5.6.2(D)(1) of the Zoning Bylaw, Renewable Energy Installations, as part of Development Standards applicable to new development or additions over 50% of the existing building footprint in the Industrial District.¹⁹

¹⁶ RKG Associates, Inc., *Annotated RKG Zoning Assessment*, 2017, <https://www.arlingtonma.gov/home/showpublisheddocument/38949/636433192143130000>

¹⁷ RKG Associates, Inc., *Arlington Master Plan Appendix I: Zoning Audit*, 2014, <https://www.arlingtonma.gov/home/showpublisheddocument/28453/635883794519700000>

¹⁸ Town of Arlington Town Meeting, *2010 Annual TM Votes by Article*, 2010, <https://www.arlingtonma.gov/home/showpublisheddocument/25014/635663482905270000>

¹⁹ Arlington Town Meeting, *Arlington Annual Town Meeting Summary of Votes*, 2021, <https://www.arlingtonma.gov/home/showpublisheddocument/56166/637583307905870000>

The Standards provide flexibility to the Redevelopment Board to allow height and setback adjustments to accommodate solar photovoltaic and solar thermal systems. The Standards also require that all new commercial and mixed-use buildings in the Industrial District be solar ready, and that additions over 50% of the existing footprint be solar ready “to the extent feasible.”

Solar energy systems are neither required nor explicitly encouraged in other Zoning Districts. These systems are also not prohibited and simply require a building permit for installations. If located in an Historic District, additional design guidelines apply prior to issuance of a Certificate of Appropriateness.

- **Consistency with Arlington’s Net Zero Action Plan** – The Net Zero Action Plan, adopted by the Arlington Select Board in 2021, is a roadmap for Arlington to achieve net zero greenhouse gas (GHG) emissions by 2050. To this end, priority measure Net Zero Buildings (NZB) 11 within the Net Zero Action Plan specifies: “Require all new commercial buildings and multi-family buildings above a certain number of units to include solar PV [photovoltaic] and/or solar thermal (or be “solar ready”) on a minimum of 50 percent of roof area.” The Net Zero Action Plan also states that “solar PV and/or solar thermal can be a cost-effective, zero-carbon energy solution on new commercial and multi-family buildings and will help reduce emissions from new buildings in Arlington.”

Further, the Net Zero Action Plan “calls for every building in Arlington to be a net zero energy capable building by 2050” and “encourages those buildings that are able to... become a ‘plus energy’ building” by 2050. A net zero energy building produces enough energy onsite to match its annual energy consumption. A plus energy building produces more energy than it consumes. The Net Zero Action Plan also specifies that “each building has a goal of reducing its energy consumption to a level where the needed annual energy could be generated on site if the building had a suitable southern exposure for solar panels.” Achieving this goal implies that all suitable rooftops in Arlington, an estimated 75% of roofs or 9,000 roofs,²⁰ will need to have a solar energy system by 2050. The Net Zero Action Plan’s broader goal of net zero emissions by 2050 relies on “all Arlington buildings [becoming] net zero emissions buildings by 2050,” meaning that more than 400 buildings per year for 30 years will need to be converted to a zero-emission building.

- **Consistency with State GHG reduction and rooftop solar deployment goals** – In March 2021, Governor Baker signed into law Senate Bill 9 - *An Act Creating a Next Generation Roadmap for Massachusetts Climate Policy*.²¹ This law commits the State to achieving net zero GHG emissions by 2050 and authorizes the Secretary of Energy and Environmental Affairs (EEA) to set interim GHG reduction targets of at least 50% by 2030 and 75% by 2040 (below the 1990 baseline). The analysis supporting the law, documented in the Massachusetts 2050 Decarbonization Roadmap,²² assumes significant market penetration of solar photovoltaic (PV): 25%-30% of electricity generation across all modeled zero carbon scenarios.²³ While rooftop solar PV represents varying portions of this sub-total, the study also notes the land-use benefits of pursuing aggressive rooftop solar development versus ground-mounted solar, which has the potential to displace natural resources that act as carbon-sinks. The study’s baseline case contains several assumptions, including the presence of solar installations on 1-in-3 roofs across Massachusetts by 2050 (representing an approximate tripling of energy from rooftop solar

²⁰ Google Project Sunroof, *Estimated rooftop solar potential of Arlington, MA*, Accessed March 1, 2022, https://sunroof.withgoogle.com/data-explorer/place/ChIJ_RJa6UB244kRCPI23SYipkU/

²¹ Press Office of Governor Charlie Baker and Lt. Governor Karyn Polito, *Governor Baker Signs Climate Legislation to Reduce Greenhouse Gas Emissions, Protect Environmental Justice Communities*, 2021, <https://www.mass.gov/news/governor-baker-signs-climate-legislation-to-reduce-greenhouse-gas-emissions-protect-environmental-justice-communities>

²² Executive Office of Energy and Environmental Affairs, *MA Decarbonization Roadmap*, 2021, <https://www.mass.gov/info-details/ma-decarbonization-roadmap#final-reports->

²³ Evolved Energy Research, *Energy Pathways to Deep Decarbonization: A Technical Report of the Massachusetts 2050 Decarbonization Roadmap Study*, 2020, <https://www.mass.gov/doc/energy-pathways-for-deep-decarbonization-report/download>

compared to today), as well as future regional hydroelectric and wind resources providing a significant amount of additional clean energy capacity.

- **Applicability of and potential impact of amendment** – This Article seeks to require solar energy systems for structures subject to the Town’s existing Environmental Design Review (EDR) process. The requirements do not apply to: structures undergoing EDR that do not have appropriate solar exposure (due to orientation or shading) or sufficient load capacity; buildings in a Historic District, as determined by Historic District Commission certificate denial; EDR applications for changes of use, façade alterations not impacting architectural integrity, outdoor uses, temporary signage, sign approval; and religious, non-profit educational, and childcare facilities, where inconsistent with reasonable regulation.

Given the applicability of the amendment, the Town estimates that three to five buildings would be subject to this solar requirement on an annual basis. The median cost of a solar installation from 2017-2019 in Arlington ranged from \$24,000-\$30,000, before incentives (calculated based on the median \$/watt and median kW of all installations in the 02474 and 02476 zip codes).²⁴ The total cost of an installation will depend on the size of the system on a given rooftop. The solar payback period in Massachusetts is approximately 7 years, on average.²⁵

Beyond a direct purchase, there are various financing options for owners to install solar energy systems. These include loans, solar leasing, and power purchase agreements (PPA) and could enable an owner to install solar with little or no upfront cost.²⁶ These models are a common solution for owners who may not have the capital to purchase a system outright. The Town itself leverages a 20-year PPA for six installations on the Arlington Public Schools, and several commercial buildings in Arlington, including the Cambridge Savings Bank and Mirak Hundai Service Center, have already used solar financing to install solar at scale. Solar developers typically offer “turnkey installation,” including the price of assessment, design, and installation.

If an owner directly purchases the solar energy system, incentives are available to offset costs of solar installation over the lifetime of the system. Applicability will depend on the nature of the development under review. Incentives for which non-residential properties are eligible include the commercial Federal Investment Tax Credit (ITC) of 26% (decreases to 22% in 2023 and 10% in 2026); accelerated depreciation—a tax deduction available to those taking the commercial ITC;²⁷ and the Solar Massachusetts Renewable Target (SMART), through which ratepayers earn a fixed rate per kWh of solar produced; and net metering options through which ratepayer may receive payment for any unused electricity.²⁸ In addition to the Residential ITC decreases to 22% in 2023 and 0% in 2024, residential systems are eligible for the Massachusetts Personal Income Tax Credit.

- **Authority for regulating solar energy systems via zoning** – Policy guidance²⁹ associated with Model Zoning for the Regulation of Solar Energy Systems³⁰ issued by DOER states that a Zoning

²⁴ Massachusetts Clean Energy Center, Solar Costs Comparison Tool, Accessed March 1, 2022, <https://www.masscec.com/cost-and-performance>

²⁵ Energy Sage, *Massachusetts solar panels: local pricing and installation data*, Accessed March 1, 2022, <https://www.energysage.com/solar-panels/ma/>

²⁶ Massachusetts Clean Energy Center, *Solar Financing Options*, <https://www.masscec.com/solar-financing-options>

²⁷ U.S. Department of Energy Office of Energy Efficiency & Renewable Energy, *Guide to the Federal Investment Tax Credit for Commercial Solar Photovoltaics*, 2021, <https://www.energy.gov/sites/prod/files/2021/02/f82/Guide%20to%20the%20Federal%20Investment%20Tax%20Credit%20for%20Commercial%20Solar%20PV%20-%202021.pdf>

²⁸ Massachusetts Department of Energy Resources, *Solar Massachusetts Renewable Target (SMART) Program*, <https://www.mass.gov/info-details/solar-massachusetts-renewable-target-smart-program>

²⁹ Massachusetts Executive Office of Energy and Environmental Affairs, *Policy Guidance for Regulating Solar Energy Systems*, 2014, <https://www.mass.gov/files/documents/2016/08/nh/model-solar-zoning-guidance.pdf>

Bylaw/Ordinance is the appropriate place in which to regulate solar energy systems. The policy guidance notes that solar energy systems are a type of land use and are regulated primarily under Massachusetts General Law (M.G.L.) Chapter 40A Section 3. 40A clarifies that, “No zoning ordinance or by-law shall prohibit or unreasonably regulate the installation of solar energy systems or the building of structures that facilitate the collection of solar energy, except where necessary to protect the public health, safety or welfare.” The proposed amendments do not prohibit solar facilities or unreasonably regulate their installation, rather they clarify and define said facilities and propose a site plan review and standards process.

- **Precedent for solar energy system requirements** – Many municipalities aim to facilitate the installation of solar facilities at new buildings and those undergoing significant renovations. A zoning requirement for solar energy systems have been enacted in the City of Watertown, MA Zoning Ordinance for new, large commercial developments via site plan review;³¹ and in the City of Medford, MA Code of Ordinances for new, large residential or nonresidential projects via site plan review.³² Cambridge, MA Zoning Ordinance Article 22 requires a Net Zero narrative,³³ including a solar-ready roof assessment, and the City plans to introduce a rooftop solar requirement via its Net Zero Action Plan Update.³⁴ The City of Somerville’s Design Review required by Article 15 of its Zoning Ordinance includes a sustainable and resilient buildings questionnaire through which applicants must attest to sustainability features on the proposed building’s rooftop.³⁵ Boston’s Article 37 requires that projects undergoing Large Project Review submit a Carbon Neutral Building Assessment and “maximize the potential for onsite solar PV systems.”³⁶ Lexington, MA’s Integrated Building Design & Construction Policy requires that Town-funded building projects maximize onsite renewable energy production.³⁷ Wellesley, MA’s Municipal Sustainable Building Guidelines require that developers on Town property explore solar-ready roofs and solar installations when replacing the roof of an existing building.³⁸

Amend SECTION 2 by creating category “Definitions Associated with Solar Energy Systems”.³⁹

Photovoltaic System (also referred to as Photovoltaic Installation): A solar energy system that converts solar energy directly into electricity.

Roof-Mounted Solar Photovoltaic System: A solar photovoltaic system that is structurally mounted to the roof of a building or structure.

Solar Energy System: A device or structural design feature, a substantial purpose of which is to provide for the collection, storage, and distribution of solar energy for space heating or cooling, electricity generation, or water heating.

³⁰ Massachusetts Executive Office of Energy and Environmental Affairs, *Model Zoning for the Regulation of Solar Energy System*, 2014, <https://www.mass.gov/files/documents/2016/08/nc/model-solar-zoning.pdf>

³¹ City of Watertown, *Watertown, MA Zoning Code*, <https://ecode360.com/37103470#37103470>

³² City of Medford, *Revised Ordinances of Medford, MA*,

https://library.municode.com/ma/medford/codes/code_of_ordinances?nodeId=PTIIREOR_CH10BUBURE_ARTVISOENSY_S10-105DE

³³ City of Cambridge, *Green Building Requirements Net Zero Narrative*, 2021, https://www.cambridgema.gov/-/media/Files/CDD/ZoningDevel/GreenBuildings/netzero2021update/netzeronarrativetemplate_final.pdf

³⁴ City of Cambridge, *Cambridge Net Zero Action Plan 2021 Update*, 2021 <https://www.cambridgema.gov/-/media/Files/CDD/Climate/NetZero/2021planupdate/netzeroactionplan5yearupdaterreport.pdf>

³⁵ City of Somerville, *Sustainable and Resilient Buildings Questionnaire*, 2019, <https://www.somervillema.gov/sites/default/files/somerville-sustainable-and-resilient-buildings-questionnaire.docx>

³⁶ City of Boston, *Boston Zoning Article 37 - Inter Agency Green Building Committee Zero Carbon Building Assessment*, <http://www.bostonplans.org/getattachment/f0841692-8267-45f8-a652-6ab00f029b2c>

³⁷ Town of Lexington, *Integrated Building Design & Construction Policy*, 2019, <https://records.lexingtonma.gov/WebLink/0/doc/489144/Page2.aspx>

³⁸ Town of Wellesley, *Municipal Sustainable Building Guidelines*, 2020, <https://wellesleyma.gov/DocumentCenter/View/17002/2020520-MSBG-Ver27>

³⁹ Highlighted text indicates changes from the 2022 Annual Town Meeting Draft Zoning Bylaw Amendments published on February 17, 2022.

Solar Ready Building: A building able to carry the installation of a solar energy system on a designated section of the structure following its construction.

Solar Ready Zone: Fifty percent or more of a roof area that is either flat or oriented between 110 and 270 degrees of true north, exclusive of mandatory access or setbacks required by the Massachusetts Fire Code.

Solar Thermal System: A solar energy system that uses collectors to convert the sun's rays into useful forms of energy for water heating, space heating, or space cooling.

Amend SECTION 6:

6.4 Solar Energy Systems

6.4.1. Requirement for Solar Energy Systems

A project requiring Environmental Design Review per Section 3.4.2 of this Bylaw shall include a solar energy system that is equivalent to at least fifty percent of the roof area of the building or buildings that are the subject of the review. The Redevelopment Board may require a smaller percentage of the roof area to include a solar energy system when at least fifty percent of the roof area is not viable for a solar energy system.⁴⁰ Where a site includes a parking structure, the structure shall also have a solar energy system that covers at least ninety percent of its top level.

The Arlington Redevelopment Board may adopt rules and regulations to specify the information required to be in an application for Environmental Design Review to implement Section 6.4 of this Bylaw.⁴¹

6.4.2. Exemptions

A solar energy system on the roof of a building or other structure is not required:

- A. Where there is no solar ready zone or the solar ready zone is shaded for more than fifty percent of daylight hours annually;
- B. For an existing building or building conversion with insufficient structural load capacity;
- C. For a building in a Historic District when the relevant Historic District Commission has denied a certificate of appropriateness, non-applicability, or hardship to allow a solar energy system on the building under the standards and procedures set forth in the Town Bylaws Title VII, Historic Districts;
- D. When an application for an Environmental Design Review is for
 - (1) A change of use alone;
 - (2) An alteration to the façade that does not affect the architectural integrity of the structure per Section 3.4.2 of this Bylaw;
 - (3) Outdoor uses per Section 3.4.2(H) of this Bylaw;
 - (4) Temporary, seasonal signage per Section 3.4.2(I) of this Bylaw; or
 - (5) Sign approval per Section 6.2 of this Bylaw.
- E. When inconsistent with reasonable regulation of religious, non-profit educational, and childcare facilities used primarily for such purposes as set forth in G.L. c. 40A, §3, as implemented by section 3.5 of this Bylaw and the regulations adopted thereunder.

The requirements of this Section may be reduced or waived when the applicant proposes, and the Arlington Redevelopment Board determines there is a better alternative that meets the goals of this Section 6.4.

⁴⁰ This sentence has been added since publication of the February 17, 2022 Zoning Amendments guide.

⁴¹ This Section has been updated since publication of the February 17, 2022 Zoning Amendments guide.

6.4.3. Location and Safety

- A. Emergency Access. Solar energy systems shall be mounted to ensure emergency access to the roof, provide pathways to specific areas of the roof, provide for smoke ventilation systems, and provide emergency egress from the roof, as required by the Massachusetts Fire Code.
- B. Safety. A roof-mounted solar energy system shall be located so that it does not result in shedding of ice or snow from the roof onto a porch, balcony, stairwell, or pedestrian travel area.
- C. Solar Energy Systems shall not be counted in determining the height and gross floor area of buildings.

Proposal: Allow Two Families Everywhere

- **79%** of Arlington's residential land is reserved exclusively for single family homes – nothing else can be built
- We propose allowing two-families to be built by right in these areas; no other changes to lot size, frontage, height, setbacks, or open space requirements
- **Two key reasons:**
 1. Improving environmental sustainability
 2. Increasing housing choice

Advantages

Two Family Zoning is Better for the Environment

- Smaller homes in shared structures have a lower carbon footprint per person than an equivalent single-family homes. Same land area houses twice as many households.
- More housing in Arlington means living closer to employment centers, public transportation, and existing infrastructure. Less driving means lower carbon emissions and less traffic congestion in the region.

Two Family Zoning Increases Housing Choices

- Single family homes aren't suitable for everyone at all stages in their lives; some people can't afford it, while others may want to downsize but stay in Town. We need more (and more diverse) housing choices

Two Family Zoning Improves Affordability

- When a home gets torn down do we want it replaced with a big single family, or do we want the option of two smaller units?
- Replacing a single family with a two family doubles the housing stock (and increases the tax revenue); the impacts are spread out across Town.

Doesn't change the neighborhood

Not bigger than a single family

- Because the dimensional regulations don't change, the housing is similar in appearance to others in the neighborhood.
- Non-conforming lot restrictions remain the same—cannot increase the building size without ZBA review.

There are already 2 families in R0 and R1 districts

- These homes already fit in their neighborhoods.

Any Change is Going to Be Gradual

- We have had 27 teardowns a year on average over the last 10 years. Even if this regulation doubled that pace to 54 per year, that is still small relative to the 20K+ homes in Town.

In Conclusion

It's a simple change that could have a meaningful impact.

It increases housing choices, and encourages sustainable development with minimal change to the neighborhood.

Bonus: A Tour of Arlington's Illegal Neighborhoods

(Two Family Homes are Already Here)

Summer St.



163-165, 159-161 Summer St.
Two family homes



463-465, 459-461 Summer St.
Two family homes

Westminster Ave



58-58 Westminster Ave (Gray House)
Two-family tucked in between several single-family

Park Ave



172-174 Park Ave (two family)
176 Park Ave (condominums)



176 Park Ave (condominums)
Single family (conforming) house on right

Hillside Ave

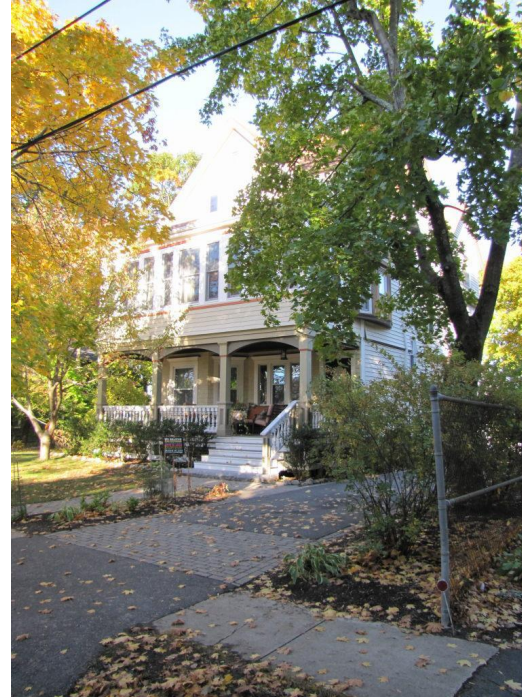


49-51, 45 Hillside Ave
Each has a pair of condominiums

Wachusett Ave



13-15 Wachusett Ave
Condominiums



12 Wachusett Ave
Two-family

Newport St.



13-15 Newport St (Condominiums)
11 Newport St. (two-family)



11, 5-7 Newport St.
Two-family, condominiums

Mt. Vernon St.



62-64 Mt. Vernon (condominums)
66-68 Mt. Vernon (two-family)



72 Mt. Vernon St.
Three condominiums

Irving St.



9 Irving St.
Two condominiums

Jason St.



37-39 Jason St.
Two-family



30-32 Jason St.
Two-family

Pleasant St



141-143, 137-139 Pleasant St.
Condominiums



ARTICLE 28 ZONING BYLAW AMENDMENT/ ENHANCED BUSINESS DISTRICTS

Redevelopment Board Hearing || March 7, 2022



APPLICABILITY.

The amendment would apply to:

- _ Properties within the **Business Zoning Districts**
- _ Proposals for **new development** or **redevelopment**
- _ Existing commercial spaces with frontage exceeding the dimensional requirements are exempt



BACKGROUND

LOCAL + REGIONAL PRECEDENT.

- _ Expands requirements described in site standards section of **Industrial Zoning District amendments**, adopted by 2021 ATM, to Business Districts
- _ Complies with recommendations from the **Congress for New Urbanism**
- _ Follows standards and examples from other inner-core communities



THE PROPOSED AMENDMENT.

Primary purposes of the amendment:

To encourage pedestrian activity, maintain an active street, and limit the amount of ground floor space occupied by banks, offices, lobbies, and other non-active uses.



THE PROPOSED AMENDMENT.

New construction, additions over 50% of existing footprint, or redevelopment is required to provide:

5.5.2(B) Development Standards

- (1) Purpose. The purpose of this Section 5.5.2(B) is to encourage pedestrian activity, maintain an active street, and limit the amount of ground floor space occupied by banks, offices, lobbies, and other non-active uses.
- (2) Applicability. In the Business Districts, new construction, additions over 50% of the existing footprint, or redevelopment subject to review by the Arlington Redevelopment Board shall be governed by all regulations of this Section as well as all other applicable provisions of this Bylaw.
- (3) Administration. This Section 5.5.2(B) shall be administered subject to Section 3.4, Environmental Design Review Special Permit by the Arlington Redevelopment Board.



THE PROPOSED AMENDMENT.

New construction, additions over 50% of existing footprint, or redevelopment is required to provide:

(4) Standards

Transparency and access. In the Business Districts, the following requirements apply to all new construction, additions over 50% of the existing footprint, or redevelopment:

- The required minimum **transparency of the ground floor** principal façade visible from a public right-of-way is 60% of the area measured between 2 and 8 feet in height from the level of the finished sidewalk.
- All façades visible from a public right-of-way shall be given equal treatment in terms of architectural detailing. No blank façades are permitted. **Façades shall be articulated a minimum of every 30 feet.**
- Each ground floor storefront in a building shall have a **clearly defined primary entrance** that faces the principal street. A corner door may be used for a building that faces two public streets.
- The primary building entry shall be connected by an accessible surface to the public sidewalk.
- **Lobby entrances** for upper story uses should be optimally located, well defined, and clearly visible. Buildings should use any combination of articulation, a double-height ceiling, a distinctive doorway, a change in wall material, a change in paving material within the frontage area, or other architectural element(s) to make lobbies visually and materially distinctive. Lobby entrances for upper story uses may be located on a side or rear façade of a building.
- Lobbies should be limited in both width and total area to preserve floor space and façade frontage for other ground floor uses.
- Existing commercial spaces with frontage exceeding the above dimensional requirements are exempt.



THE PROPOSED AMENDMENT.

New construction, additions over 50% of existing footprint, or redevelopment is required to provide:

- _ Transparency of 60% of ground floor principal façade
- _ Façade articulation a minimum of every 30 feet
- _ Clearly defined entrances facing the principal street connected to the public sidewalk
- _ Optimally located lobby entrances for upper story uses; limited lobby areas on ground floor





ARTICLE 29 ZONING BYLAW AMENDMENT/ STREET TREES

Redevelopment Board Hearing || March 7, 2022



BACKGROUND

ARTICLE 16: TREE PROTECTION + PRESERVATION.

- _ Describes Town procedures and requirements for **preservation of trees**
- _ **ARB may waive requirements** of bylaw for sites under its jurisdiction when serves the interest of the community
- _ Applies only to trees located on **private property**
- _ Tree Warden maintains tree inventory and plants 200-300 new street trees annually



BACKGROUND

LOCAL + REGIONAL PRECEDENT.

- _ Follows requirements described in site standards section of **Industrial Zoning District amendments**, adopted by 2021 ATM
- _ Public shade trees required as part of development or redevelopment of commercial areas in **zoning bylaws throughout the Commonwealth**
- _ Proposed amendment **follows standards set forth in other communities**, regarding tree placement, size, type, and maintenance



THE PROPOSED AMENDMENT.

Primary purposes of the amendment:

- _ Provide for adequate public shade tree coverage along Arlington's main corridors
- _ Implement carbon neutral policies of the Town of Arlington
- _ Address heat island effects emanating from Arlington's main corridors
- _ Enhance public health and walkability with proper shading
- _ Creates Zoning Bylaw definition: Public Shade Trees



THE PROPOSED AMENDMENT.

6.3.2 Applicability

In the Business Districts, new construction, additions over 50% of the existing footprint, or redevelopment subject to review by the Arlington Redevelopment Board shall provide one public shade tree every 25 linear feet of lot frontage along the public right of way.

6.3.3 Administration

- A. This Section 6.3 shall be administered subject to Section 3.4, Environmental Design Review Special Permit by the Arlington Redevelopment Board.
- B. After the effective date of this Bylaw, public shade trees shall be provided for any applicable use noted above and subject to Section 3.4, Environmental Design Review and in accordance with the Standards established in this Section.



THE PROPOSED AMENDMENT.

6.3.4 Standards

- A. Street trees shall be planted within existing and proposed planting strips, and in sidewalk tree wells on streets without planting strips.
- B. Trees shall be selected from the approved tree list set forth by the Tree Committee and approved by the Tree Warden.
- C. When planted, trees must be a minimum height of ten (10) feet or two (2) inches in caliper.
- D. All new trees shall be maintained in accordance with American Standard for Nursery Stock standards for a period of no less than 36 months from the date of planting. Properties in which there are preexisting public shade trees at the required spacing along the public right of way are exempt.
- E. Where there is no other suitable location within the right of way, shade trees may be proposed in locations within the lot, or in exceptional circumstances, the Arlington Redevelopment Board may allow the owner to make a financial contribution to the Arlington Tree Fund.

The Arlington Redevelopment Board may grant an increase in spacing between plantings where a new planting would conflict with existing trees, retaining walls, utilities, and similar physical barriers, or other curbside uses.



THE PROPOSED AMENDMENT.

6.3.5 Computation

When computation of the number of public shade trees results in a fractional number, any result of 0.5 or more shall be rounded up to the next consecutive whole number. Any fractional result of less than 0.5 may be rounded down to the previous consecutive whole number. The Arlington Redevelopment Board may allow the owner to make a financial contribution to the Arlington Tree Fund in an amount equivalent to the full and fair market value of the additional whole tree.



THE PROPOSED AMENDMENT.

Overview of standards:

- _ Establish minimum standards for newly planted public shade trees, including:
 - _ Selection from **approved list** by Tree Warden
 - _ Standards for **height** and **caliper**
 - _ **Location** of tree plantings
 - _ Appropriate **distance** between public shade trees
 - _ **Maintenance** standards
- _ Describe exemptions for certain applicants and under special circumstances





ARTICLE 30 ZONING BYLAW AMENDMENT/ SOLAR ENERGY SYSTEMS

Redevelopment Board Hearing || March 7, 2022



BACKGROUND

CURRENT RULES FOR SOLAR FACILITIES.

Ground-mounted solar
installations **allowed by-right
in Industrial District only**

- Solar energy systems in other districts require building permit, are not prohibited
- In Historic Districts, additional guidelines apply

2010

Town Meeting approves ground-mounted solar installations in Industrial District

2015

Arlington Master Plan Zoning Audit notes missing provisions of Zoning Bylaw related to alternative energy sources

2017

Zoning Audit updated as part of Recodification notes missing definitions and standards for solar facilities in Zoning Bylaw

2021

Town Meeting requires new commercial and mixed-use buildings in Industrial District to be solar ready

Net Zero Action Plan completed, receives unanimous support from Select Board



BACKGROUND

NET ZERO ACTION PLAN PRIORITY.

- _ Net Zero Action Plan placed this amendment as a **priority measure**
- _ Key to **achieving net zero greenhouse gas emissions** by 2050
- _ Effectively, **all suitable rooftops in Arlington would need a solar energy system** (75% of total, or 9,000 roofs)



LOCAL PRECEDENT.

— Solar Bylaw Requirements

- Watertown (new, large commercial)
- Medford (new, large residential & non-residential)

— Design Review

- Somerville (applicants attest to rooftop sustainability features)
- Cambridge (solar-ready roof assessment)
- Boston (applicants must maximize onsite solar)

— Municipal Green Building Policies

- Lexington (must maximize onsite solar)
- Wellesley (must explore solar ready roofs)



THE PROPOSED AMENDMENT.

Section 2: Definitions
Associated with Solar Energy
Systems

- _ Photovoltaic System
- _ Roof-Mounted Solar Photovoltaic System
- _ Solar Energy System
- _ Solar Ready Building
- _ Solar Ready Zone
- _ Solar Thermal System



THE PROPOSED AMENDMENT.

Section 6.4.1: Requirement for Solar Energy Systems

- A project requiring Environmental Design Review per Section 3.4.2 of this Bylaw shall **include a solar energy system that is equivalent to at least fifty percent of the roof area** of the building or buildings that are the subject of the review.
 - The ARB may require a smaller percentage when at least fifty percent of the roof area is not viable for a solar energy system.
- Where a site includes a **parking structure**, the structure shall also have a **solar energy system that covers at least ninety percent of its top level**.
- The ARB may adopt rules and regulations to specify information required to be in an application.



THE PROPOSED AMENDMENT.

Section 6.4.2: Exemptions

- _ A solar energy system on the roof of a building or other structure is **not required** in the following circumstances:
 - _ **Insufficient solar exposure** (orientation/shading)
 - _ **Insufficient load capacity**
 - _ **Buildings in a Historic District** (as determined by Historic District Commission)
 - _ Applications for **changes of use**
 - _ **Façade alterations** not impacting architectural integrity
 - _ **Outdoor uses**
 - _ **Temporary signage**
 - _ **Sign approval**
 - _ **Religious, non-profit educational, and childcare facilities**, where inconsistent with regulation
- _ ARB can reduce or waive the requirements when the applicant proposes, and the ARB determines there is a better alternative that meets the goals of this Section 6.4.



THE PROPOSED AMENDMENT.

Section 6.4.3: Location and Safety

- **Emergency Access.** Solar energy systems shall be mounted to ensure emergency access to the roof, provide pathways to specific areas of the roof, provide for smoke ventilation systems, and provide emergency egress from the roof, as required by the Massachusetts Fire Code.
- **Safety.** A roof-mounted solar energy system shall be located so that it does not result in shedding of ice or snow from the roof onto a porch, balcony, stairwell, or pedestrian travel area.
- Solar Energy Systems shall **not be counted in determining the height and gross floor area of buildings.**





Town of Arlington, Massachusetts

Draft ARB Meeting Schedule May through December 2022

Summary:

9:30 p.m. • Board members will review and discuss draft meeting schedule through December 2022.

ATTACHMENTS:

Type	File Name	Description
Reference Material	Agenda_Item_2_-_Draft_Meeting_Schedule_May_through_Dec_2022.pdf	Draft Meeting Schedule May through Dec 2022



ARLINGTON REDEVELOPMENT BOARD

TOWN HALL ARLINGTON, MASSACHUSETTS 02476

TELEPHONE 781-316-3090

May – December 2022 Meeting Schedule

In general, the ARB meets on the 1st and 3rd Monday at 7:30 p.m. of every month. Monday holidays or other events may cause this schedule to change. If there are no pressing agenda items, meetings may be cancelled.

May 2 (Town Meeting)
May 16 (Town Meeting may be in session)
May 23
April 7
June 6
June 20
August 1
August 15
September 12
September 26
October 3
October 17
November 7
November 21
December 5
December 19



Town of Arlington, Massachusetts

Correspondence Received:

Summary:

Correspondence received from:

N. Mann 3-5-2022
D. Seltzer 3-6-2022
E. Pyle 3-6-2022
P. Parise 3-6-2022
B. Kun 3-7-2022
C. Carney 3-7-2022
C. Cunningham 3-7-2022
E. Cahill 3-7-2022
J. Weber 3-7-2022
L. Vivenzio 3-7-2022
S. Blagden 3-7-2022
A. Hollman 3-8-2022
J. Weber 3-8-2022
R. Peterson 3-8-2022

ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	Correspondence_from_N._Mann_received_3-5-2022.pdf	Correspondence from N. Mann received 03052022
▢ Reference Material	Correspondence_from_D._Seltzer_received_3-6-2022.pdf	Correspondence from D. Seltzer received 03062022
▢ Reference Material	Correspondence_from_E._Pyle_received_3-6-2022.pdf	Correspondence from E. Pyle received 03062022
▢ Reference Material	Correspondence_from_P._Parise_recieved_3-6-2022.pdf	Correspondence from P. Parise received 03062022
▢ Reference Material	Correspondence_from_B._Kun_received_3-7-2022.pdf	Correspondence from B. Kun received 03072022
▢ Reference Material	Correspondence_from_C._Carney_received_3-7-2022.pdf	Correspondence from C. Carney received 03072022
▢ Reference Material	Correspondence_from_C._Cunningham_received_3-7-22.pdf	Correspondence from C. Cunningham received 03072022
▢ Reference Material	Correspondence_from_E._Cahill_received_3-7-2022.pdf	Correspondence from E. Cahill received 03072022
▢ Reference Material	Correspondence_from_J._Weber_received_3-7-2022.pdf	Correspondence from J. Weber received 03072022
▢ Reference Material	Correspondence_from_L._Vivenzio_received_3-7-2022.pdf	Correspondence from L. Vivenzio received 03072022
▢ Reference Material	Correspondence_from_S._Blagden_received_3-7-2022.pdf	Correspondence from S. Blagden received 0307022
▢ Reference Material	Correspondence_from_A._Hollman_received_3-8-2022.pdf	Correspondence from A. Hollman received 03082022
▢ Reference	Correspondence_from_J._Weber_received_3-8-	Correspondence from J. Weber

	Material	2022.pdf	received 03082022
▢	Reference Material	Correspondence_from_R._Peterson_received_3-8- 2022.pdf	Correspondence from R. Peterson received 03082022

From: Nora Mann <noramann2@gmail.com>

Date: March 5, 2022 at 3:29:37 PM EST

To: Jenny Raitt <JRaitt@town.arlington.ma.us>

Subject: ARB Meeting 3/7/22 Proposed Warrant Article re: Two Family

CAUTION: This email originated from outside of the Town of Arlington's email system. Do not click links or open attachments unless you recognize the REAL sender (whose email address in the From: line in "< >" brackets) and you know the content is safe.

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Dear Ms. Raitt and Members of the Arlington Redevelopment Board:

I write in support of the proposal, being presented to the ARB on Monday, 3/7/22 by Annie LaCourt and Laura Weiner to allow two-families to be built by right in these areas; no other changes to lot size, frontage, height, setbacks, or open space requirements. I need not repeat the proponent's arguments, though they appear to be sound and comprehensive. My perspective is as a longtime resident, former longtime member of the ARB, former longtime (and hopefully future) member of TM (pct 20) and advocate for housing access and equity. I know, as you do, that there is no single solution to the housing crisis - here in Arlington or regionally. This proposal should be put before TM and as a member of TM I will support its passage.

It is one tool in a multi-pronged effort to increase supply and, over time, address access and costs. The impact will be incremental, we will not see any immediate or overwhelming change in our neighborhoods. My house - a single family - won't suddenly become multi family nor will I be required to sell - at the appropriate time - to a developer.

It offers options, and supports a more fulsome discussion about how to address housing and equity in our community. I look forward to an opportunity to be a part of that conversation and I appreciate your consideration of this important topic.

Sincerely,

~n

--

Nora Mann (she, her, hers)
339-368-0495

From: Don Seltzer <timoneer@gmail.com>
Date: March 6, 2022 at 4:12:15 PM EST
To: Jenny Raitt <JRaitt@town.arlington.ma.us>
Subject: **Correspondence regarding Warrant Article 38**

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TO: Arlington Redevelopment Board

In preparation for the hearing on this article, I would like to provide the Board with a simple summary of fuseful acts regarding the makeup of our R0 and R1 single family zoning districts. The numbers are based upon both the 2020 US Census and our local Assessor's database.

If there are any questions regarding this summary I would be pleased to provide further explanation and spreadsheet listings of all properties and their classification.

Don Seltzer

R0 and R1 Fact Sheet**39%**

Just 39% of Arlington's housing is single family. 61% consists of two family or more.

38%

Single family homes in R0 and R1 comprise just 1240 acres, which is only 38% of Arlington's land area

Diverse

The R1 district is Arlington's most diverse. Besides single family homes, it includes more than 600 multifamily households. It includes all of our schools and their playgrounds. It includes our churches and cemeteries. Town Hall, Robbins Library, two fire stations, and other municipal buildings are in R1, as well as Dept of Conservation and Recreation land. No other district approaches this level of diversity.

#12

Among the 351 cities and towns in the Commonwealth, Arlington ranks #12 in housing density. We are the 2nd densest town and denser than 2/3 of all cities.

From: Elizabeth Pyle <elizabeth.m.pyle@gmail.com>

Date: March 6, 2022 at 12:52:42 PM EST

To: Jenny Raitt <JRaitt@town.arlington.ma.us>, Eugene Benson <EBenson@town.arlington.ma.us>, klau@town.arlington.ma.us, sretilak@town.arlington.ma.us, mtintocalis@town.arlington.ma.us, rzsemlery@town.arlington.ma.us

Subject: Proposed Article 38, two-family construction allowed by right in R0 and R1 zones

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Dear Members of the Redevelopment Board,

I am writing to request that you vote "No Action" on proposed Article 38, which would allow two-family construction by right in the R0 and R1 Residential Zoning Districts. This article would have detrimental unintended consequences for our Town, and it will not increase affordable housing.

By way of introduction, I am a land use and zoning attorney at Hill Law, with more than 20 years experience in residential zoning matters. My law firm regularly consults with municipalities to advise them on affordable housing issues, including by serving as special Town Counsel on affordable housing matters.

I was also a member of Arlington's Residential Zoning Study Group (the "RSG") for its entire three-year existence, from 2016-2019. The RSG was formed through a Town Meeting resolution to study the impacts of new construction on the residential zoning districts, and to recommend potential zoning changes. The RSG viewed Arlington neighborhoods with large numbers of teardowns/rebuilds, and received input from developers, residents, realtors and members of Inspectional Services. RSG members developed a consensus that many proposed zoning changes could easily have negative unintended consequences, and that it was important to study and debate any proposed zoning changes with all stakeholders.

My single biggest take-away from serving on the RSG was that single-family houses located in the 2-family residential districts were specially targeted for teardown/rebuilds, and that this was detrimental to Arlington from a public policy perspective. On the RSG, I learned that mid-level or more affordable single family "starter homes" in Arlington were often subject to teardown/rebuilds when they could be replaced with a two-family home at the same location. However, the newly-built two-family homes were vastly more expensive than the homes they replaced, leading to an increase of luxury units at the highest price points. For example, it was not uncommon for a single-family home to be sold for \$600,000-\$700,000 only to be replaced by two units in a duplex selling for \$900,000 to \$1 million each. This replacement of less expensive homes with luxury units increases our affluent population, puts upward pressure on the valuations of nearby homes, and ultimately makes our community less affordable. It also decreases housing choices in the mid-level market. Over time, the increase in home values also raises property taxes for the surrounding residences, putting additional burdens on seniors and other lower-income residents, further creating conditions that drive out lower-income people from our community.

Also when I was on the RSG, I saw that new two-family homes in Arlington are constructed to the maximum size of the building envelope permitted under the Bylaw, in order to increase developer profit and accommodate the square footage necessary for two units. This causes a loss of green space, yards, and mature trees in our residential districts, which makes our community less resilient to flood storage and climate change impacts.

If proposed Article 38 was implemented, increasing gentrification and loss of green space would occur throughout the R0 and R1 districts, instead of just in those few locations where a single family house is

66 of 83

located in a R2 zone. The consequences of such impacts are serious and wide-ranging, and should not be endorsed by the Redevelopment Board without significant study, community outreach and professional analysis. For example, Article 38 should not be recommended without consultation with Arlington's Finance Committee, so that the impact on the school population and budgetary overrides can be assessed.

What the proponents of eliminating single-family housing appear not to appreciate is that Arlington, as an individual town, cannot be separated from the supply and demand of the housing market in the greater-Boston metropolitan area. If Arlington builds more two-family housing, it will be only for affluent buyers of luxury units who will move to Arlington from surrounding communities because of the highly-rated school system and desirable location close to Boston. No matter how many new duplexes are built, it will not increase affordable housing in Arlington, because the regional demand for luxury units in greater-Boston will drive the market.

Arlington also should not be the first and only "test case" for eliminating single-family housing in Massachusetts. Instead, legislation recently signed by the governor shows a way forward to increase multi-family housing on a regional basis, by requiring all communities served by the MBTA to enact multi-family zoning near public transportation stations. The new legislation equitably asks all municipalities to add some density as part of a regional solution to the housing crisis, without the burdens of going it alone or being first. Arlington should give this new legislation a chance to work before adopting untested measures like eliminating single-family housing.

For these reasons, I urge you to vote "No Action" on Article 38.

Sincerely yours,

Elizabeth Pyle
66 Gloucester Street
Arlington, MA 02476
Town Meeting Member, Precinct 8

Begin forwarded message:

From: Paul <paul456x@gmail.com>
Date: March 6, 2022 at 6:41:24 PM EST
To: Jennifer Raitt <jrait@town.arlington.ma.us>
Cc: Eugene Benson <EBenson@town.arlington.ma.us>, Kin Lau <KLau@town.arlington.ma.us>, Melisa Tintocalis <mtintocalis@town.arlington.ma.us>, Rachel Zsembery <RZsembery@town.arlington.ma.us>, Stephen Revilak <srevilak@town.arlington.ma.us>
Subject: **Warrant Article 38 Comment**

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Please note my comment below regarding the review of Article 38 by the Redevelopment Board at the upcoming March 7th meeting..

Please add this communication to the correspondence received for this meeting and any other consideration of proposed Warrant Article 38.

Thank you.

ARTICLE 38
ZONING BYLAW AMENDMENT / TWO FAMILY CONSTRUCTION ALLOWED BY RIGHT IN R0 AND R1 RESIDENTIAL ZONES

I have lived here for more than 40 years.

I chose to purchase and live in a single family neighborhood. I moved here from a multi-family neighborhood in the city.

In my opinion, this article takes away my right to continue to live in a neighborhood of my choosing (i.e., single family)

This article reduces the number of housing choices in Arlington.

As I understand, of the total Arlington housing stock available, only 39% are single family residences. The majority of our residences are multi-family.

Many single family lots are non-conforming and not suitable for two- or multi-family dwellings without potentially imposing significant quality of life issues for the abutters, including loss of light, loss of privacy, and other infringements on the quiet enjoyment of our existing property.

I urge the Board to REJECT this proposed warrant article.

In addition, with respect to process, I do not understand the issues, if any, that may arise with the board hearing a citizen's article that includes a member of the board as one of the article's sponsors/supporters. I would expect that that board member may recuse him/herself from voting on such an article to avoid any appearance of impropriety, if necessary.

68 of 83

Sincerely,

Paul Parise
106 Hemlock St.

From: Beth Kun <beth.kun@gmail.com>
To: EBenson@town.arlington.ma.us, KLau@town.arlington.ma.us, mtintocalis@town.arlington.ma.us, srevilak@town.arlington.ma.us, rzsembery@town.arlington.ma.us, eric@ericforselectboard.com
Date: Mon, 7 Mar 2022 09:53:23 -0500
Subject: Concern about zoning changes

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Dear ARB ---

I am writing to you as a homeowner and concerned resident of Arlington. I worry that the proposal seeking to end single-family zoning will begin to change this town into urban sprawl.

This very thing happened in the Virginia town where I grew up. After the zoning rules changed, formerly quiet neighborhoods became a patchwork of smaller original houses and newer, larger buildings with parking spaces that took up entire yards. The greenspaces ebbed away, and a town that had previously served as a respite from urban life became filled with traffic and stress and lost all its personality. My town became more and more urbanized in an attempt to supply the growing population with the infrastructure required to support it.

I never go back to my home town because it has lost everything that made it livable and desirable.

Currently, Arlington has a range of neighborhoods with very distinct personalities. This is what gives the town its flavor, interest and value. Please do not squander the things that make this town special.

I ask that my comments be added to the minutes of tonight's meeting.

Thank you!
Beth Kun

From: Chuck Carney <chuckcarney@gmail.com>
To: EBenson@town.arlington.ma.us, KLau@town.arlington.ma.us, mtintocalis@town.arlington.ma.us, sreivilak@town.arlington.ma.us, rzsembery@town.arlington.ma.us
Date: Mon, 7 Mar 2022 13:34:50 -0500
Subject: Against Article 38

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Hi, I would like to offer my view on this article as you consider it's adoption.

If the goal for increasing affordable housing, I do NOT think Article 38 is the answer. Here are some reasons why:

- As we know, half of a house in Arlington is currently in the 800k+ range, which is not an affordable price for those in need of housing
- The article will accelerate the pace of "tear downs" to reap profits for developers, but not solving the affordable housing challenge
- These accelerated tear downs have many detrimental effects, except for developers. Those include
- Environmental and loss of green space, even with town regulations which can be bypassed by paying into a town tree fund
- Straining of public services, especially schools with the increase. While some may think the schools can handle it, there are challenges with recent spikes would only be exacerbated with this change
- Changing of the town landscape with the creation of more large "McMansions", already a concern for many and may be a matter of taste, but folks living here can have an opinion about their proliferation
- The increase of cars which will result from 3-4 person per dwelling, and for many, who cannot get access to the T / Alewife easily. Articles are being proposed to change on-street parking regulations, which fundamentally changes the feel of the town
- And more...

To address affordable housing, let's focus on supporting the Housing Corp of Arlington. And while some may think this topic was properly analyzed in the Housing Implementation Plan, it did not receive the transparency and participation necessary to fully represent the community and get feedback on concerns.

I think this article is very controversial and divisive and it was poor judgement to bring it forward without fully appreciating the issues it will cause.

Chuck Carney
2 Kimball Road

From: Colleen Cunningham <colleenpattypaige@gmail.com>
To: EBenson@town.arlington.ma.us, KLau@town.arlington.ma.us, mtintocalis@town.arlington.ma.us, srevilak@town.arlington.ma.us, Rachel Zsembery <rzsembery@town.arlington.ma.us>
Cc: Jenny Raitt <JRaitt@town.arlington.ma.us>
Date: Mon, 7 Mar 2022 06:59:20 -0500
Subject: opposition to the elimination of single family zoning in Arlington (Article 38)

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Good morning Jenny and ARB members,
Please include this letter in the official correspondence received for the upcoming hearing concerning Article 38 regarding the elimination of single family zoning.
Please confirm the inclusion of this letter for Monday night's meeting March 7, 2022

thank you,
Colleen Cunningham
Kensington Park

Opposition to elimination of single family zoning in Arlington (Article 38)

This warrant will have many detrimental results for the town. It will allow, over time, the elimination of all single family homes. It incentivizes developers and outside speculators to buy all single family homes, regardless of size and beauty of architectural styles, and tear them down to build as many “luxury” residences as they are allowed. It will only drive prices upward and will eliminate real choice.

Who benefits? No one but the property development/real estate industry. It certainly does not benefit current residents/taxpayers who chose their neighborhoods for a bit of green space/views/yards. It unethically breaks the implicit agreement with the town to live in a particular type of neighborhood made when the current owners purchased their homes. It certainly does not benefit potential future residents who seek to purchase a single family home in a suburb, but instead only will have the choice of a condo or apartment. The result will be a lack of diversity of housing styles as only modern condos and other multifamily housing will be available. Imagine our beautiful town without the architecture of various time periods anymore because the houses will be tragically torn down.

A result of eliminating single family or any other residential zoning may be property tax overrides for infrastructure, school buildings and services. It adds to the problem of increasing number of cars and traffic congestion, not to mention the environmental impacts of tearing down existing homes and trees.

I prefer preservation of Arlington's existing homes and open spaces rather than encouraging destructive tear downs in residential neighborhoods. The existing Arlington is the one I love and have lived in for my entire life.

Colleen Cunningham
Kensington Park

From: <eileentighecahill@gmail.com>
To: <EBenson@town.arlington.ma.us>, <KLau@town.arlington.ma.us>, <mtintocalis@town.arlington.ma.us>, <srevilak@town.arlington.ma.us>, <rzseberry@town.arlington.ma.us>
Date: Mon, 7 Mar 2022 14:05:00 -0500
Subject: Proposed Town Meeting Article 38

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Dear Arlington Redevelopment Board Members,
Please include my comments in the public record. Thank you.

I am writing with serious concern over proposed Town Meeting Article 38. I urge you to reject it.
I am writing to you as a concerned Arlington resident. Town Meeting Article 38 does not consider the significant impacts a change to zoning would have on the town's infrastructure. Not considering impacts to infrastructure is irresponsible to the Town's finances and the health of the townspeople.
Changing the zoning to allow two family construction throughout the town is mind-blowing to me as a civil engineer. Sizing of infrastructure is all based on zoning. For example, when designing a sewer, an engineer looks at the zoning to determine how much flow will go to the sewer. The engineer counts the number of lots, and estimates flow per lot based on the likely number of bedrooms per lot. The sewer pipe is sized based on the estimated flow (which is based on the town zoning). Sewer pumping stations are based on estimated flows (which is based on zoning). The wetwells in a sewage pumping stations are designed to hold the proposed amount of wastewater, and pump efficiently to draw down the wastewater in the wetwells to convey the wastewater to the sewage force main. The wetwells, pumps and force main are all based on estimated wastewater flow (which is based on zoning). Increasing flow to the town sewage pumping stations would strain the pumps and the sewage force mains.
It would be completely irresponsible for the town to significantly change its zoning without considering impacts to infrastructure. The Town of Arlington already has failing water, sewer and roadway infrastructure, based on the age of the town's infrastructure. Trenchless sewer repairs are happening all over town, likely to reduce infiltration to aged and broken pipes. Trenchless sewer pipe lining repairs do not increase the size of sewers. The DPW has at least 25 locations of "Trouble Spots" to check for sewer issues. The Town's system is old and in need of attention. That is to be expected, and it is wonderful we have a conscientious public works department to maintain our system. But, how can you increase flow without looking at the town's infrastructure?
This Town Meeting Article is intended to increase the town's population. How will the increased sewage flow be conveyed safely, so there are not sewage back-ups in basements, or back-ups into the streets through sewer manholes?
Water mains are sized the same way. It is based on the zoning. How will clean drinking water be safely conveyed throughout town without tremendous financial strain to the town of infrastructure upgrades?
Another consideration is the roads. The roads would have increased traffic, and more pavement issues to repair and rehabilitate.
Finally, trash disposal would be an issue. The Town already has a very bad rat infestation problem.
I urge the ARB to reject this Town Meeting Article. It is irresponsible to not consider impacts to the Town's infrastructure, and the costs associated with those impacts.
Please contact me with any questions you may have. I can be reached by email or phone at 617-335-8455.

From: david weber <jawdbw@yahoo.com>
To: "ebenson@town.arlington.ma.us" <ebenson@town.arlington.ma.us>, "klau@town.arlington.ma.us" <klau@town.arlington.ma.us>, "mtintocalis@town.arlington.ma.us" <mtintocalis@town.arlington.ma.us>, "srevilak@town.arlington.ma.us" <srevilak@town.arlington.ma.us>, "rzsembery@town.arlington.ma.us" <rzsembery@town.arlington.ma.us>, "cawagner@hotmail.com" <cawagner@hotmail.com>
Date: Mon, 7 Mar 2022 15:14:31 +0000 (UTC)
Subject: Article 38

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Dear Members of the ARB,

I would like to oppose the Article 38 which states changing single family zoning to multi family zoning.

People who live in single family homes are in areas which they prefer because of the open space. When you allow multi-family dwellings you are increasing traffic and parking.

Making two family homes does not help the low income market at all so you are keeping people from affordable housing. Rentals in Arlington are sometimes, most often, more than a mortgage which only helps the home owner, not the renter. Using this rationale as a way to change zoning is deceptive at least.

Some of you make single family owners feel guilty because they prefer to live in their single family homes. I know this because I tried to change my street back to its original single family zoning and was admonished by one of your members who shall remain anonymous.

My street has already been impacted by this zoning and has turned a single family into a two family dwelling with no design qualifications which fit in with the rest of the homes. It has a sparkling cinder block wall while all other walls are more colonial looking structures.

Please reconsider your Zoning Article 38 as it disenfranchises current single family homeowners and their neighborhoods.

The recent movement out of Arlington has been because of the poor Planning Board and ARB regulations which do not help the reason for those of us who moved to this town in the first place, not to mention the higher taxes.

Sincerely,
Janice A. Weber
Precinct 21

From: lah-rah veevy <veewoolfie@yahoo.com>
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Date: Mon, 7 Mar 2022 14:23:30 +0000 (UTC)
Subject: COMMENT: Concern for Housing Article

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Dear ARB ---

As a homeowner, a parent, and a resident of Arlington, I am writing to express my deep concern with the proposal seeking to end single-family zoning and allow 2-families in all single-family districts.

The proposal will cause stress on the current infrastructure, make it more difficult to park, cause more traffic, and also reduce green and open space in Arlington. Neighborhoods will continue to (more so than they already are) morph into a crowded hodgepodge of multi-family units mixed in with single-family homes. Not passing this Article will help preserve the integrity of the neighborhoods that currently exist in town.

I respectfully request that my comment be added to the record at tonight's meeting on this topic held on 3/7/2022.

Thank you, Laura Vivenzio

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Cc: jraitt@town.arlington.ma.us
Date: Mon, 7 Mar 2022 12:12:55 -0500
Subject: Article 38 - Two Family Agenda item comments

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March 7, 2022

Re: Article 38 - Two Family

Chair and Board members,

This article proposes to add "TWO FAMILY CONSTRUCTION ALLOWED BY RIGHT IN R0 AND R1 RESIDENTIAL ZONES".

Allowing two units per lot in single family zones was already done last year with the ADU bylaw, with many of the same rationales used for this one.

Prudence and good Planning practice would be to wait 5 or 10 years or so to see how adding second units in the single family zone is working before expanding the scope and impact.

Article 38 actually quadruples down and incentivizes rapid change in single family neighborhoods.

Advertised as replacing one single family with a two family/duplex, the change would allow, by-right, a two family and two Accessory Dwelling Units, for a total of four dwelling units where there is now one.

Article 38 incentivizes rapid change because it creates great profit potential by tearing down most any non-pristine home and replacing with two large, expensive units, possibly including two additional income units to raise the price even more. It is common practice for builders to solicit people to sell homes to them. The higher profit potential created by Article 38 will increase this practice, increase the selling price of existing homes and further price out middle income buyers.

The State of California recently allowed, by-right, building of four units where a single family currently exists.

Filling the gap of home owners who want to tap into the profit potential but can't afford it, companies have started offering profit sharing, where a developer will build the units, the owner gets to stay, and the owner gets 80% of the profit. See here:

<https://www.homestead.is>

There is no reason that could not happen in Arlington, weakening the argument that change will occur very, very, slowly.

The memo presents the change as a benefit to property owners.

The greater benefit actually goes to builders, developers and house flippers.

If you look at building permits for new construction and major remodels, the vast majority are issued to builders or development companies that have purchased and demolished existing homes.

The large increase in value and utility did not go to the original property owner but to the builder/developer.

There is nothing wrong with what the builder is doing. They are operating in the framework the town provides for them.

It is up to town government, and elected and appointed officials to ensure development does not change the character of the town beyond what the residents want.

That these teardowns and new construction happen so easily points to a deficiency in the Special Permit process.

Someone adding 1000 sf to a 2000sf house needs to get a Special Permit, but someone tearing down the same 2000 sf house and building a 4000sf house, no problem, even though the same or greater effects occur that the Special Permit process exists for, but I'll leave that topic for another time.

77 of 83

The Memo and Presentation use an Orwellianish logic that removing single family housing increases choice for housing seekers. Buyers have a choice now of single family, two family, or condoized two families. How does reducing options increase choice?

A Housing Production Plan chart shows school age children concentrated in single family housing.

This makes sense as when families form and children arrive it is a natural desire to live in a place of their own; a life stage.

By removing single family zoning, Arlington is telling families with school age children, "We don't have a place for you, look elsewhere".

This will not affect the salability of Arlington properties as the market is regional.

Over time, it will affect demographics, culture and schools. Is this what you want? Is this what residents want?

Planning and Zoning changes should be made after careful consideration and with the expectation property owners will take advantage of the changes.

With Article 38, the Memo minimizes the impact, stating there are not many properties in a circumstance to use it, and it will take a long time for appreciable change.

If it is the case the change will be so minimal and incremental, it would be better to just not do it.

The reality is that it is a race between builders and families to buy any non-pristine house that comes on the market.

Here is an example, of many, a 2200 square foot brick house, built in 1958, that many families would have been happy to purchase and fix up for \$860,000 in 2018, but was torn down and replaced by a 4600 square foot house:

<https://www.redfin.com/MA/Arlington/5-Old-Middlesex-Path-02474/home/8437248>

Single family and two family houses in the existing two family zone have been demolished and replaced by duplexes that dominate the lot, out of scale with surrounding homes, and with each unit selling for much more than the original house sold for.

Builders, naturally, maximize profit. They do that by building to the full structural envelope allowed by bylaws. They are not concerned with how it affects the neighbors, neighborhood, or affordability.

There is no "affordability" in this process. As has been said, Arlington is in a regional market. No matter how many units are built they will not be sufficient to move prices down.

If prices were to move down, developers do not build into a declining market, as seen during recessions.

Builders have land, material and labor costs. Unless one or more of those is subsidized by someone else, "affordable" is market price.

What are more affordable are the houses that are torn down, which middle income families will not get a chance to live in.

Both the Memo and Presentation use misleading statistics, including, "60% of total land area falling within the R0 and R1 Zoning Districts. Of Arlington's land zoned for residential use, 80% is restricted to single- family homes."

The Zoning Map includes schools, golf courses, churches, cemeteries, Town Hall, Robbins Library and other non-residential uses in the residential zone.

If the substantial land area of non-residential uses was properly zoned and deducted from the residential land area, those percentages are reduced.

The Zoning Map and bylaw should be revised to reflect actual land use for good and informed decision making.

The Presentation says, "*Smaller homes in shared structures have a lower carbon footprint per person than an equivalent single-family homes.*"

The reality is, that each side of the duplex is usually larger than the home it replaced, more than doubling the size of what was there before.

The Presentation says, "*Single family homes aren't suitable for everyone at all stages in their lives; some people can't afford it, while others may want to downsize but stay in Town*". This is true, but by eliminating single family zoning, those who are at the single family life stage and can afford it are out of luck with Article 38.

Attempting to mollify this reality by saying the change will occur over time does not change the end goal and result.

The Presentation says, "*Because the dimensional regulations don't change, the housing is similar in appearance to others in the neighborhood.*"

In other words, "don't believe your lying eyes." The duplexes built to replace existing single family or two family houses are built to or close to the limits and are glaringly larger than the others in the neighborhood.

If the desire is to have the Presentation statement be true, Article 38 should include language that the replacement structure should be built in the same building envelope as the existing home, or some small percentage larger.

The Presentation says, "*Bonus: A Tour of Arlington's Illegal Neighborhoods*"

Unfortunately, this section is false and misleading.

If one looks at the Assessor Database and past Zoning Maps, the houses deemed “illegal”, were built prior to the original 1924 Zoning bylaw, were legal when built and are currently legal non-conforming, or were legally built under an earlier Zoning bylaw.

One could look at the “illegal” houses shown and acknowledge that it was these types of mismatches that lead to the desire to have a Zoning Code and orderly development in the first place.

Rather than look at the examples and say we already have mixed housing, one could ask if we want to go back to disorderly development with four unit houses (two family + two ADUs) adjacent to single family homes?

Stephen Blagden

p.s. The proposed motion language appears to create an internal conflict in the by-law.

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Date: Mon, 7 Mar 2022 21:33:16 +0000 (UTC)

Subject: Article 38 comment

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To the members of the Arlington Redevelopment Board,

I respectfully request that my comments regarding Article 38 be added to the public record.

I am Aram Hollman of 12 Whittemore St., Arlington.

I am writing to express my opposition to the proposed Article zoning changes to R0 and R1 districts for the following reasons.

The arguments made in favor of it do not hold. I address the claims made in the March 3 Memorandum from Jennifer Raitt, Kelly Lynema and Talia Fox to the ARB. Similar claims have been made by the article's proponents, Annie LeCourt and others.

The claim that it will create "more affordable" housing does not specify more affordable than what? Anecdote: A 2-family near me, on Avon Place was recently renovated. The 2 units sold for \$800,000 and for \$1.3 million respectively. This was within an existing shell, not new construction. These are -not- prices that anyone would consider affordable, and new construction would cost even more.

The claim that Arlington can or should address the "racist legacy" of past zoning is laudable, and may even be possible, but further raising the price of housing in Arlington will simply make Arlington's housing even less accessible to those of limited means, of whatever racial background. In short, it would be at least arguable that this zoning change -is- another racist policy encoded in zoning.

The claim that the zoning will improve environmental sustainability likewise does not hold. Yes, newer construction, built to meet energy efficiency standards, will be more sustainable. However, that would be true of -any- housing that is constructed, regardless of whether Article 38 is passed, so it is not an argument in favor of Article 38. As for the argument that 2-family units will be more efficient than the existing 1-family, that too does not make the construction more environmentally sustainable. The proposed zoning holds the dimensions of the structure, and thus its volume, to what they were before. With the same volume, the same quantity of heating will be required. No matter how it is measured the environmental impact of 2 households, even in smaller surroundings, is greater than the environmental impact of 1 household. In fact, while I would not argue this, it -could- be argued that the best way to reduce environmental impact would be to make -all- of Arlington's construction 1-family!

The claim that this increases housing choice does not hold. The prime candidates for teardowns and for conversion to 2-families are the smaller "starter" homes which still exist. Replacing them with expensive 2-families may increase housing choice for those at the upper end of the income spectrum, but does nothing for those of more limited means.

From page 8: "While this amendment would not generate housing affordable to households making 80% of Area Median Income (AMI) or less, it has the potential to result in greater housing choice for middle income households." This distinction surprises me. People making 80% of AMI are precisely the people Arlington -should- be trying to attract. 80% is not poor, it is working people and working families. In contrast, this definition makes equal and more than 100% of AMI middle income. That's people making well over \$100,000 a year, possibly \$200,000. That's not middle income, that's affluent.

Finally, the emphasis on creating denser housing is detrimental to the town in a number of ways. It strains the schools. The argument that an increase to the property tax base will improve the town's financial position does not hold, because most of the additional tax revenue will be spent on increased services. This is most notable with the schools. At \$12 per \$1000 of assessed value, a \$1 million home brings in \$12,000. The additional cost to the town for one more

80 of 83

student in the schools is \$15,000. And that is a reasonable consideration, because people choose Arlington for its schools.

In short, Article 38, in many ways, will achieve precisely the opposite of the results it is intended to create. Given how obvious that is, one can only wonder at the motives of its proponents.

Sincerely,

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Subject: Warrant article #38

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Having attended tonight's meeting the conclusion is 77% against this warrant article; 24 against and 7 in favor. I had one more comment to make.

I surveyed my neighbors when I wanted to go back to R1 and they were for going back to that zoning.

I don't care about California, which is a total mess altogether, or any other city or town.

I want Arlington to remain a place for anyone who wants to live here can be able to afford to do so and, right now, that is not possible even for those of us who are struggling to hold on.

The taxes keep rising even though there has been more building. I really do not feel that the people who run this town care what happens to people who love the town.

I would like to know how many people on that zoom meeting actually live in this town.

Janice Weber
Precinct 21-Town Meeting Member

From: Rebecca Peterson <rebeccaopeterson@gmail.com>
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Date: Mon, 7 Mar 2022 18:41:50 -0500
Subject: Article A / Single Family Zoning

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Dear members of the ARB: please add my comments (below) to the official record for this meeting.

I urge you to reject the elimination of single-family zoning in Arlington.

Arlington appeals to many homebuyers because it has the feel of a town with yards and trees, but at the same time urban conveniences such as proximity to the T, good restaurants, and being just minutes from Boston. But eliminating single family housing will destroy the thing that drew most people here! I feel that this proposal is unfair to those who scrimped and saved to buy specifically in a single-family neighborhood, and who have spent subsequent years paying for and improving our homes.

I respectfully ask, what about those of us who want a single-family neighborhood, and why don't our opinions matter? Is the only goal to stuff as many people as we possibly can inside the town borders?

Many of us don't want to live somewhere as dense as Cambridge – we appreciate the town-like feel of Arlington. In addition, eliminating single-family housing does nothing for true affordable housing – but it is a dream for the tear-down crowd and the developers.

The constant push from town officials for increased density is tiresome. We should be trying to protect what little green space we have left and maintain our quality of life rather than encourage people to build on every square inch possible.

Sincerely,
Rebecca Peterson
31 Florence Ave.