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To: "Mary Muszynski" <MMuszynski@town.arlington.ma.us>
Date: Mon, 26 Oct 2020 12:08:52 -0400
Subject: Fwd: Comments on Articles 19 and 19

Begin forwarded message:

From: Chris Loreti <cloreti@verizon.net>
Date: October 26, 2020 at 12:00:35 PM EDT
To: Rachel Zsembery <RZsembery@town.arlington.ma.us>, "KLau@town.arlington.ma.us" <KLau@town.arlington.ma.us>, "EBenson@town.arlington.ma.us" <EBenson@town.arlington.ma.us>, "DWatson@town.arlington.ma.us" <DWatson@town.arlington.ma.us>, Christian Klein <cmqklein@gmail.com>, Jenny Raitt <JRaitt@town.arlington.ma.us>
Subject: Comments on Articles 19 and 19

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Dear ARB Chair Zsembery and ARB Members:

I am writing to offer some preliminary comments on the warrant articles to be heard by the ARB this evening. These comments are primarily procedural. I will provide more substantive comments during the hearing.

Article 18

This article effectively redefines the R0 and R1 zoning districts as the R2 district. I believe this amounts to a zoning map change, and as such the provisions of Section 1.5 of the Zoning Bylaw apply. Have the proponents demonstrated that the notice required by this section has been provided? In addition, Section 12.01 in the bylaw prior to recodification provided that non-resident property owners be notified of zoning use changes to their property. Has that provision of the bylaw been complied with if it is still in effect?

Article 19

The staff memo indicates that accessory dwelling units will not be allowed in garages under this article. I can find no language in the proposed main motion to indicate this. On the contrary, an ADU is defined as "being on the same premises as the principal dwelling..." Arlington's zoning bylaw does not contain a definition for "premises." Webster's defines it as: "a tract of land with the buildings thereon." Thus, being on the same premises means on the same lot. The ADU could be in a garage or any other accessory structure.

Since Arlington's zoning bylaw allows garages to be built up to 20 feet high with no setback, this means the ADU could be built just a few feet from neighboring homes, or in the case of two converted garages, within an arm's lengths of each other. This is not acceptable.

General

MGL 40A Section 5 requires that before the ARB amends the zoning bylaw a public hearing is held so that "interested persons shall be given an opportunity to be heard." The point is that the ARB hears from the public before making up its mind on the articles. For that reason, I ask that you not solicit opinions from the ARB members on the articles until all members of the public have been afforded the right to speak. Indeed, that is why the ARB closes the public hearing and then deliberates. To do otherwise prejudices

both the public comments and the comments of the other board members with opinions that have not been informed by hearing the public.

Thank you for considering these comments. I expect to have more this evening.

Christopher Loreti
56 Adams St.
Arlington