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Subject: Correspondance in support of Article 34, Clarifying Zoning Bylaw Definition of Mixed Use

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To: Arlington Redevelopment Board

Often the Board has had to cope with bylaw language that is somewhat ambiguous or even contradictory, placing the Board members in the position of trying to determine the intent of the original framers.

Article 34, *Clarifying Zoning Bylaw Definition of Mixed Use*, addresses such an ambiguity. In this case, the intent of the original authors is easily determined. Mixed use was added to our zoning bylaw at the 2016 Town Meeting, and there is a complete video record of the presentation and discussion.

Two members of the previous Redevelopment Board made the presentation and answered questions from Town Meeting Members. The concern of Town Meeting Members regarding what uses would be allowed was evident. Over and over the Redevelopment Board members explained that “*only the uses that are permitted in a particular district are the ones that can happen in a mixed-use in that district.*”

Most of the current Board members were not serving at that time and may not be familiar with this history. Attached is a video clip that summarizes this part of the Town Meeting deliberations.

The limitation on uses couldn't have been clearer, and that was what Town Meeting voted to approve. Yet a few years later the Board became uncertain about this intent and it was suggested that the actual language of the bylaw was flawed and sufficiently ambiguous that any uses without restriction could be part of Mixed Use in any business district.

Such an interpretation is diametrically opposite of what was promised to Town Meeting. It is the duty of this Board to fix the problem, and to amend the language of the Bylaw to reflect what Town Meeting actually approved in 2016. To shirk that duty and recommend No Action will cause great harm to the credibility of this Board when it speaks at future Town Meetings.

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