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Subject: Please post as official testimony for ARB hearings March 15

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Dear Chair Zembery and Members of the Redevelopment Board and Planning Director Raitt,

The memo below and attached was sent to you almost two weeks ago at your request. Please post it officially as testimony for your Hearings on March 15. PLEASE SEND TO NEW ARB MEMBER.

Thank you,

Patricia Worden

Memorandum to the Redevelopment Board – Article 41, 2021 Town Meeting

Original submission language for ATM 2020:

ARTICLE 41 ZONING BYLAW AMENDMENT/DEFINITION OF FOUNDATION To see if the Town will vote to amend the Zoning Bylaw in Section 2, by adding a new definition as follows: Building Foundation: The masonry or concrete structure in the ground which supports the building. It does not include porches, decks, sheds, patios, one story attached garages, carports, or the like; or take any action related thereto.

This article was originally submitted for the 2020 Annual Town Meeting and was deferred. The petitioner (I, Patricia Worden) requested that the article be inserted in the 2021 Annual Town Meeting Warrant. The amendment is embedded into the Warrant Article. Since that time I have received advice for improvements from Christian Klein, Chair of the Zoning Board of Appeals and become aware of various materials now being developed for foundations and so now request that the following language be submitted for Article 41 in place of the version filed in 2020:

Proposed vote under Article 21:

Voted to amend the Zoning Bylaw in Section 2 by adding the following new definition:

BUILDING FOUNDATION: The entity supporting the building and constructed of masonry or concrete or other material of appropriate industry standards for such purpose, whether insulated or non-insulated. It does not include porches, decks, attached storage facilities which are not part of the original structure, patios, one story attached private garages (except in the case of a single story building), carports, any accessory structure or the like.

Explanation

The bylaw provision for large additions (Sec. 5-18 B (6)) requires a special permit unless the addition is entirely within the existing foundation.

The foundation of a structure is very obvious and easily identified. However past practice in Arlington has shown that the identifiable foundation has often been ignored and redefined as something larger enabling a much larger addition than would be allowed without a special permit.

We have plenty of small or medium size older or antique houses in Arlington which are reasonably affordable. This is despite the unfortunate statement to the contrary made by the Planning Department based on selective and erroneous sampling – not approved by the Residential Study Group. These hundreds of small homes have made wonderful naturally affordable homes for downsizing retiring seniors and starting couples who can raise the roof to expand for a growing family. But these homes are now targeted and brokered just for developers of massive rebuilds and are rarely available on the open market. It is a quick and easy windfall for a broker to keep a list of developers planning teardowns to arrange for a quick sale to the developer because the broker may then have the opportunity for not one but two or three commissions – the original house and the one or two much more expensive million dollar homes replacing the teardown.

The Zoning Bylaw provides that raised structures on the foundation may be done without a special permit under the large addition provision. The rationale for this is set forth above, however, since foundation is not defined. Inspectional Services have interpreted foundation in such a way that the tiny cape or ranch turns into the large McMansion – some porches, decks, carports, attached garages are commandeered to become part of the “foundation.” This definition does not prevent owners constructing large additions but would just require a special permit in cases where the addition exceeds 750 square feet which was the original intent of the large addition bylaw.

The requirement for developers to apply for a permit if expanding beyond the foundation is of paramount importance to provide notice to abutters. That is why the definition of foundation is so important.

Patricia Barron Worden
Town Meeting Member, pct. 8