

111 Sunnyside Avenue  
Arlington, MA 02474  
March 14, 2021

**Arlington Redevelopment Board**

730 Mass Ave Annex  
Arlington, MA 02476

Re: Warrant Articles 38, 43 and 45  
Via email

Dear Arlington Redevelopment Board,

I'd writing to offer public comment on three warrant Articles:

- Article 38: Energy Efficient Homes on Non-Conforming Lots,
- Article 43: Article to Propose the Adoption of Accessory Dwelling Units (ADUs),  
and
- Article 45: To Increase the Percentage of Affordable Housing Units

**Article 38 - Energy Efficient Homes on Non-Conforming Lots** Article 38 would allow older homes on small non-conforming lots to be replaced with new highly energy-efficient ones. I support this article and encourage the ARB to recommend favorable action.

Beyond encouraging the construction of energy-efficient homes, this article will help address a significant limitation of non-conforming lots. Arlington has many single- and two-family homes on lots that don't meet the vested rights provisions in MGL Chapter 40A Section 6 – meaning that they have less than 5,000 square feet of lot area, less than 50 feet of frontage, or both. The voluntary demolition of such a structure would be treated as an abandonment and render the lot unbuildable. These buildings can be gutted and renovated, but they cannot be completely rebuilt. This article removes that limitation, as long as the new home meets the stated energy efficiency standards.

To reach net-zero carbon emissions, we'll need to find ways to encourage more energy-efficient buildings. This is a good place to start.

**Article 43 - Article to Propose the Adoption of Accessory Dwelling Units (ADUs)** Article 43 proposes to allow Accessory Dwelling Units in single-family, two-family, and duplex dwellings. I enthusiastically support this proposal and encourage the ARB to recommend favorable action.

Arlington's home values (and home prices) have been on an escalator ride up for more than a decade. This has been an economic benefit to existing home owners, but it's also raised the financial barrier to entry in our community. To counter this effect, I think we have to start looking at new forms of housing that can be built for less than current price points, and that is exactly what accessory dwelling units provide. An ADU is a small apartment paired with a larger house, and it can be built for far less than the cost of the house itself.

Further, I believe that ADUs could help diversity and inclusion efforts within the town. Sixty-one percent of Arlington's land is zoned exclusively for single-family homes; a large part of the town is out of reach for anyone who's unable to afford a single-family detached home.<sup>1</sup> ADUs could open these single-family zones to residents who'd never be able to live there otherwise.

Finally, I think it's very important that ADUs be allowed by-right. Our housing crisis was built upon decades of barriers, and we will not be able to address it without taking some of those barriers down.

**Article 45 - To Increase the Percentage of Affordable Housing Units** Article 45 proposes to increase our Zoning Bylaw's affordable housing (aka "inclusionary zoning") requirement from 15% to 25%. Arlington's housing has become very expensive during the last few years. There's a very real need for affordable housing of both the "big-A" and "small-a" varieties, and I applaud the proponents for bringing attention to the issue. Having proposed an affordable housing article for the 2019 Town Meeting, I'm familiar with some of the challenges involved and would like to share my perspectives with the board.

Between 2001 and 2019, Arlington's affordable housing provisions were responsible for creating 54 affordable units: six at 30 Water street (2004), four at 264 Mass Ave (2004), seventeen at Brigham Square (2012), twenty-six at Arlington 360 (2014), and one at 483 Summer Street (2019).<sup>2</sup> There are several recently-permitted units in

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<sup>1</sup>Arlington's 2019 Annual Report put the average assessed value of a single-family home at \$825,144. See <https://www.arlingtonma.gov/home/showpublisheddocument?id=51658>, page 19.

<sup>2</sup>Figures provided by Department of Planning and Community Development in 2019.

the pipeline, so for the sake of discussion I'll say the overall total is between 55–60 affordable units. With our 15% requirement, that translates into permitting between 366 and 400 dwelling units subject to affordable housing requirements, over the course of 20 years.

Somerville, by contrast, produced 145 affordable units between 2010–2016, with requirements of 12.5% and 15%.<sup>3</sup> This implies a housing production rate of between 996 and 1160 units over the course of six years. Somerville produced far more affordable housing through inclusionary zoning—not because of a higher percentage requirement—but simply because they permitted and built more housing to begin with.

In my opinion, Arlington's biggest obstacle to affordable housing production is our zoning bylaw. The affordability requirements kick in at projects with six dwelling units or more, and opportunities to build at this scale are generally few and far between. There's a historic reason for this. In 1973, Town Meeting passed a two-year moratorium on the construction of new apartment buildings in order to give the town time to rewrite the zoning laws, and a new bylaw was adopted in 1975.<sup>4</sup> The new bylaw sought to limit the opportunity for population growth in town, and more specifically, to discourage the construction of new apartment buildings. One can see the impacts of our 1975 bylaw by examining the list of apartment buildings in the Town Assessor's records, and comparing the number built before 1975 with the number built afterwards.<sup>5</sup>

Arlington's lack of housing production isn't a bug: it's an intentional design feature. Inclusionary zoning relies on housing production, and our bylaw generally discourages housing production at a scale that would trigger inclusionary zoning. If Article 45 were coupled with a provision to increase housing production—for example, by allowing the construction of six-plexes by right in any residential or business district, with appropriate site plan review, regulations, and performance standards—then we could probably produce a decent amount of affordable housing. That's not within the scope of this warrant article. Instead, we have a percentage of a small number, and we're

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<sup>3</sup>*Draft Staff Report and Preliminary Recommendations Regarding Inclusionary Zoning*, Somerville Planning Department, pg 2. Retrieved from <https://www.somervillema.gov/sites/default/files/inclusionary-housing-staff-report-draft-2-18-2016.pdf>

<sup>4</sup>The moratorium was challenged, and the case ultimately went to the Massachusetts Supreme Judicial Court. See *Collura v. Arlington*, 376 Mass 881. <https://law.justia.com/cases/massachusetts/supreme-court/1975/367-mass-881-2.html>

<sup>5</sup>Seventy-nine apartment buildings were constructed between 1930 and 1975; six were constructed between 1976 and 2020 (per 2020 property assessments).

simply negotiating over what that percentage should be.

Somerville has a well thought-out set of affordability requirements.<sup>6</sup> Their Ordinance recognizes three income tiers and distributes affordable units across them, whereas Arlington's uses a single income level. Somerville's %-affordable requirements vary by zoning district, whereas Arlington applies a single percentage universally. Their tailored requirements came from studies and needs-based assessments; I'd prefer to see Arlington undertake a similar effort, rather than simply tweaking a percentage.

But again, this is a moot point if we don't allow projects large enough to trigger affordable housing requirements. Any percentage of zero is still zero; in most years, that's what we've gotten.

Sincerely,

Stephen A. Revilak  
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<sup>6</sup>See *Somerville Zoning Ordinance*, retrieved from <https://www.somervillezoning.com/>. General provisions appear in Section 12.1 and district-specific regulations appear in the section particular to that district. Note that Somerville's Ordinance uses the term "ADU" to mean "Affordable Dwelling Unit", and not "Accessory Dwelling Unit".