

The ARB discussed and voted on their position on each of the amendments to Article 12 at their meeting on Monday October 23rd. I attended the meeting and the table below is prepared based on my notes and recollections. I would encourage my colleagues to inquire through the Moderator to hear from the ARB directly on the floor. The amendments are listed below in the order that we are expected to vote on them. ~Sanjay Newton (TMM 10)

The “Summary” column is meant to be a single-sentence summary of the amendment.

See the “Amendment” column for a link to the full text of each amendment in the [Annotated Warrant](#).

The “Notes on the ARB discussion” column is a summary of the ARB’s discussion of each amendment per my notes and recollection.

Amendment	Summary	ARB Vote	Notes on the ARB Discussion
<a href="#">Wagner 1</a>	NMF rules would apply to combined MBMF/NMF Parcels	Oppose 4-0	There are many shallow lots along Mass Ave and Broadway. The main motion allows 1 NMF parcel to be combined with an MBMF parcel to allow parcel aggregation for a reasonably sized multi-family residential development. Under this amendment, combined parcels would not be eligible for the bonuses and would have a lower height limit thus hindering development.
<a href="#">Babiarz</a>	impose a limit of 2,050 units permitted in the MF district	Oppose 4-0	The proponent’s amendment does not specify how this amendment would be enforced, potentially leading to confusion and even litigation. Limiting the parcel numbers violates the uniformity requirements and imposes restrictions not otherwise allowed in the zoning bylaw. There is a significant possibility that EOHLC would deem it non-compliant or the Attorney General would rule it illegal.
<a href="#">Worden 1</a>	Add a paragraph about affordable housing to the “purposes” section.	Oppose 4-0	The actual affordable housing requirement is already included in 5.9.4.G. Adding it to the purpose is confusing and unnecessary. We removed these duplicative references from the zoning bylaw during recodification in 2019.
<a href="#">Loreti 1</a>	Add a requirement for 15% landscaped open space	Oppose 4-0	Under the main motion, the front yard and rear yard setbacks already function as a landscaped open space requirement and would likely be a greater % of landscaped open space than this requirement even with surface parking. There is no requirement for the landscape to be pervious, thus the footnote in the dimensional tables of the main motion is actually a stronger requirement.
<a href="#">Bagnall-Fleming</a>	Allow 4 stories in NMF	Split 2-2	This option was discussed at previous ARB meetings. There was not much further discussion on Monday.
<a href="#">Anderson (Amendment)</a>	Change “will” to “may” in Anderson below	Support 4-0	See next line
<a href="#">Anderson</a>	<b>If amended per above:</b> allow commercial uses on the second floor <b>If not amended per above:</b> require commercial uses on the second floor	Support 4-0 if amended by previous vote	The ARB would prefer different wording that does not refer specifically to 40% and rather encourages business uses in general on the second floor, but supports the intent of this amendment if amended from “will” to “may” per the preceding line labeled Anderson (Amendment).

Amendment	Summary	ARB Vote	Notes on the ARB Discussion
<a href="#">Lane</a>	Require a choice between 0' front setback or bonus floors under commercial incentive. Also lowers height on Broadway to 3 stories.	Oppose 4-0	Requiring a choice between a 0' front setback and bonus floors would undercut the viability of the commercial bonus and make it unattainable financially. It does not align with best practices for commercial development throughout town which pulls storefront windows to the sidewalk to increase neighborhood vitality and encourage patronage of businesses. A setback is already included as a requirement starting at the 4th story in the main motion.
<a href="#">Loreti 2</a>	Reduces Max Heights in the MBMF district	Oppose 4-0	The heights in the main motion were set based on accepted standards for mixed use buildings (potentially with business uses on the first two floors), high performance buildings, and residential units with deep floorplates. It allows for taller windows which throws light deeper into a residential unit.
<a href="#">Worden 2</a>	Increases front and side setbacks in NMF	Oppose 4-0	This amendment not only increases the setbacks, but also applies the setbacks from 'a neighboring structure.' Our bylaw defines a structure to include not only buildings but also retaining walls, pools, fences and sheds. Requiring 'structures' as defined in our bylaw to be twenty feet apart would inordinately limit the buildable area, likely eliminating most of the capacity in NMF, leading to questions about whether our overlay would be compliant with MBTA Communities. This also violates the state's requirements of uniformity by creating a more restrictive requirement in the overlay district.
<a href="#">Loreti 3</a>	Remove LEED Gold Certified Bonus	Oppose 4-0	There is a significant difference between LEED Gold "certifiable" (which is what the ARB reviews under EDR today) and "certified" which would be required for this bonus. "Certified" requires a third party review by the US Green Building Council and brings additional developer investment and building system complexity to the project. Typically projects that only create a "certifiable" building cut the majority of the green building elements from a project during the design and construction process. Additionally, environmental priorities are a key community desire.
<a href="#">Wagner 2</a>	Remove all bonuses	Oppose 4-0	The bonus programs all came out of key community desires and serve to encourage development that is in line with our Town plans. Bonuses are the means for reflecting values in our overlay zone that cannot be requirements based on limitations in the MBTA Communities Legislation.
<a href="#">Evans</a>	Remove ~100 parcels from the NMF overlay	Oppose 4-0	The map that we have is the result of a year-long community engagement process. The amendment would have an unknown downward impact on capacity, leading to questions about whether our overlay would be compliant with MBTA Communities - especially when stacked with other amendments. One member might support this amendment if Bagnall-Fleming passes.

Amendment	Summary	ARB Vote	Notes on the ARB Discussion
<a href="#">Leone</a>	Add one parcel to the NMF overlay	Oppose 4-0	The property was not included because it is on the National Register of Historic Places, all of which were removed from the overlay. The ARB recommends not individually removing or adding individual parcels that deviate from the methodology during the map creation. The petitioner may subdivide the parcel (which appears to be the desired intent) and request a rezoning of that parcel at a future Town Meeting.

**Additional Note**

In addition to the discussion of individual articles that I've captured above, the ARB noted that three articles could have a downward effect on the capacity calculation that is part of compliance with MBTA Communities (Loreti1, Worden2 and Evans). None of those proponents submitted their own capacity calculations or compliance workbooks and the board was not able to reliably judge exact capacity implications of any single amendment. **The board did note that adopting the combination of Worden2 and Evans had a very high risk of reducing our capacity below Arlington's minimum required capacity putting us into non-compliance.**