

1. Amendment to Section 3.2.5 [pg. 3-3]

VOTED: that the recommended vote of the Arlington Redevelopment Board (ARB) under Article 2 be and hereby is amended by making the following changes to Section 3.2.5:

1. Replacing the word “application” in subparagraph A with the words “application after notice is given to parties in interest of the time and place of the proceedings when the question of such consent will be considered”
2. Changing the words “was based.” at the end of subparagraph B to the words “was based, and describes such changes in the record of its proceedings.”

Comment: The proposed Zoning Bylaw was changed to be consistent with Section 16 of the Zoning Act—but only partially. This amendment adds language directly from the same section of the Zoning Act that provides important protections for the public but were not included in the proposed bylaw.

2. Amendment to Section 3.4.2 [pg. 3-6]

VOTED: that the recommended vote of the Arlington Redevelopment Board (ARB) under Article 2 be and hereby is amended by making the following six changes to Section 3.4.2:

1. Adding the words “in subparagraphs A through I” between the words “listed” and “below” in the first paragraph.
2. Adding the words “The following uses shall also be acted upon by the Arlington Redevelopment Board in accordance with the environmental design review procedures and standards of this Section 3.4:” beneath subparagraph I, and above subparagraph J.
3. Changing the letter “J” designating subparagraph J to the number “1”
4. Changing the letter “K” designating subparagraph K to the number “2”
5. Changing the letter “L” designating subparagraph L to the number “3”
6. Deleting subparagraph “M” in its entirety

Comment: These changes restore the applicability of the Environmental Design Review standards to what it is in the existing Zoning Bylaw.

3. Amendment to Section 5.2 [pg. 5-1]

VOTED: that the recommended vote of the Arlington Redevelopment Board (ARB) under Article 2 be and hereby is amended by making the following changes to Section 5.2:

1. Adding the words “OR MULTIPLE” between the words “ALL” and “DISTRICTS” in the title of Section 5.2
2. Adding a new subsection 5.2.4 that reads as follows:

5.2.4 Multiple Principal Uses

A lot or structure located in the R6, R7, B1, B2, B2A, B3, B4, B5, PUD, I, MU, and T districts may contain more than one principal use as listed in Sections 5.4.3 Use Regulations for Residential Districts or 5.5.3 Use Regulations for Business Districts. For the purposes of interpretation of this Bylaw, the use containing the largest floor area shall be deemed the principal use and all other uses shall be classified as accessory uses. In the case of an existing commercial use, the addition or expansion of residential use within the existing building footprint shall not require adherence to set back regulations for residential uses even if the residential use becomes the principal use of the property.

Comment: This addition restores verbatim the second paragraph of Section 5.02 of the existing Zoning Bylaw, which regulates multiple uses on the same lot and provides important guidance on interpreting the law in such situations, but which was omitted during the recodification.

4. Amendment to Sec. 5.3.3 [pg. 5-2]

VOTED: that the recommended vote of the Arlington Redevelopment Board (ARB) under Article 2 be and hereby is amended by making the following change to Section 5.3.3. Following subsection (B) insert a new subsection (C) that reads as follows:

- C. When a permitted main building to be used as a dwelling is to be located on the same lot with and beside a permitted nonresidential building, required front, side and rear yards shall be provided between each building and assumed lot lines shown upon the building permit application.

Comment: This amendment restores verbatim Section 6.03(c) of the existing Zoning Bylaw, which was removed in the proposed bylaw. This language is necessary to complement the proposed Section 5.3.3(B) which is limited to cases of a residential building to the rear of a non-residential building.

5. Amendment to Sec. 5.4.2 (A) [pg. 5-16]

VOTED: that the recommended vote of the Arlington Redevelopment Board (ARB) under Article 2 be and hereby is amended by making the following changes to Section 5.4.2 (A):

In the second line under R7, under the columns for maximum height feet, maximum height stories, and FAR respectively, delete the three entries: ----- 20 20 and insert in place thereof the three entries: 20 -----

Comment: Twenty story accessory buildings are not appropriate, even in the R7 district. This amendment restores the corresponding dimensional regulations in the existing bylaw: a height limit of 20 feet without restrictions on the number of stories or FAR.

6. Amendment to Sec. 5.4.2(B)(4) [pg. 5-17]

VOTED: that the recommended vote of the Arlington Redevelopment Board (ARB) under Article 2 be and hereby is amended by making the following changes to Section 5.4.2(B)(4):

After “50 feet” in the first sentence, delete “measured along lines parallel to the front lot line” and insert “at all points between the front lot line and the nearest building wall”

Comment: This amendment restores the original language of Section 6.20a which makes clear that the lot must be at least 50 feet wide at all points in the front yard when the measurement is made at any angle between the side lot lines. The ARB’s proposed revision relaxes the minimum lot width standard when the front lot line is not perpendicular to the side lot lines.

7. Amendment to Sec. 8.1.3 [pg. 8-2]

VOTED: that the recommended vote of the Arlington Redevelopment Board (ARB) under Article 2 be and hereby is amended by making the following change to Section 8.1.3. Following subsection (C) insert a new subsection (D) that reads as follows:

- D. Any lot lawfully laid out by plan or deed duly recorded which complies (at the time of recording) with the minimum area, frontage, width, and depth requirements, if any, of the zoning bylaw then in effect, may be built upon for residential use provided it

has a minimum area of five thousand (5,000) square feet, with a minimum front footage of fifty (50) feet, and is otherwise in accordance with the provisions of the fourth paragraph of Section 6 of the Zoning Act.

Comment: This addition restores verbatim Section 9.03 of the existing Zoning Bylaw. This addition is made to ensure that in conjunction with Section 1.4 the requirements of Section 6 of the Zoning Act apply in Arlington. Since this Section of the Zoning Act has been interpreted by the courts as inapplicable when local bylaws are less stringent, it is important to include this paragraph and its explicit reference to the Zoning Act in the town's Zoning Bylaw.

8. Amendment to Section 8.1.7(B) [pg. 8-3]

VOTED: that the recommended vote of the Arlington Redevelopment Board (ARB) under Article 2 be and hereby is amended by making the following change to Section 8.1.7(B):

Deleting the following text in the first sentence: “however, the Board of Appeals may grant a special permit to authorize the reestablishment of a nonconforming use or structure where such reestablishment shall not result in substantial detriment to the neighborhood.” and by changing the semicolon after the word “Bylaw” to a period in the same sentence.

Comment: This amendment removes a major loophole for expiring non-conformities that is not present in the existing Zoning Bylaw but was added during the recodification process.

9. Amendment to Section 8.2.3 [pg. 8-5]

VOTED: that the recommended vote of the Arlington Redevelopment Board (ARB) under Article 2 be and hereby is amended by making the following changes to Section 8.2.3(D):

Deleting the words “maximum affordable price of an affordable unit” and replacing them with the words “affordable price of a comparable affordable unit”

Comment: This change ensures that the payment in lieu of constructing an affordable unit is based on a comparable affordable unit and not the most expensive affordable unit. The existing Zoning Bylaw makes no mention of using the “maximum affordable price.” Doing so could reduce the funds received by the town for affordable housing should a developer be allowed to make such a payment in lieu providing affordable units.