



**Town of Arlington**

**ARLINGTON REDEVELOPMENT BOARD**

**2019 Annual Town Meeting Draft Zoning Bylaw Amendments**

**February 14, 2019**

### **Introduction and Overview**

The Arlington Redevelopment Board (ARB) is the Town's Planning Board, under M.G.L. Chapter 41 § 81. There are five members of the Board. Four are appointed by the Town Manager and the fifth is a gubernatorial designee appointed by the Massachusetts Department of Housing and Community Development. The Board serves as the Town's special permit granting authority for projects which require an Environmental Design Review (EDR) as identified in the Zoning Bylaw. The ARB is also the Town's Urban Renewal Authority under M.G.L. Chapter 121; with Town Meeting approval, the Board may hold property to improve and rehabilitate them to meet community development goals.

The members of the ARB are as follows:

Andrew Bunnell, Chair, (Term through 1/31/2020)

Andrew West, Vice Chair, (Term through 6/30/2020)

Eugene Benson (Term through 1/31/2020)

Kin Lau (Term through 1/31/2022)

David Watson (Term through 9/22/2023)

Jennifer Raitt, Director of the Department of Planning and Community Development, serves as Secretary Ex-Officio to the ARB.

In accordance with the provisions of the Town of Arlington, Massachusetts Zoning Bylaw and Massachusetts General Laws Chapter 40A, a public hearing will be held by the Arlington Redevelopment Board (ARB) on **Monday, March 4, 2019, Monday, March 11, 2019, Monday, March 18, 2019, and Monday, March 25, 2019, all beginning at 7:30 P.M.** in the **Central School, 27 Maple Street, Main Room, Arlington, Massachusetts**. The ARB will hear public comments on the proposed amendments to the Zoning Bylaw. After receiving public comments, the ARB will make recommendations on the proposed amendments for Annual Town Meeting, which will begin on Monday, April 22, 2019.

In addition, informal office hours will be held on Thursdays, March 14 and March 21, 5 PM-7 PM, in the Town Hall Annex First Floor Conference Room. Finally, the Department of Planning and Community Development (DPCD) will also hold neighborhood meetings tentatively scheduled for March 28 at Peirce School, April 3 at Thompson School, April 4 at Hardy School, and April 10 at Brackett School, all beginning at 7 PM. These dates are still pending confirmation from the School Department.

The draft language of the proposed amendments to the Zoning Bylaw is available on Thursday, February 14, 2019 through Tuesday, March 26, 2019 in the Department of Planning and Community Development on the first floor of the Town Hall Annex, Monday through Wednesday, 8:00 a.m. to 4:00 p.m.; Thursday, 8:00 a.m. to 7:00 p.m.; and Friday, 8:00 a.m. to 12:00 p.m., the Town Clerk's Office, the Robbins Library Reference Desk, or viewed and downloaded from the Redevelopment Board webpage of the Town's website at [www.arlingtonma.gov](http://www.arlingtonma.gov).

Contact Erin Zwirko, Assistant Director of Planning and Community Development, at 781-316-3091 or [ezwirko@town.arlington.ma.us](mailto:ezwirko@town.arlington.ma.us) with any questions or comments.

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## **Zoning Bylaw Amendments for Multi-family Uses and Mixed-Use**

**Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.**

### **ARTICLE 6**

### **ZONING BYLAW AMENDMENT/DENSITY AND DIMENSIONAL REQUIREMENTS FOR MULTI-FAMILY USES**

To see if the Town will vote to amend the Zoning Bylaw to change the density and dimensional requirements for multi-family uses in the R4, R5, R6, and R7 Districts by:

1. Amending SECTION 5.4.1. DISTRICTS AND PURPOSES to revise descriptions of the R5, R6, and R7 Districts;
2. Amending SECTION 5.4.2. DIMENSIONAL AND DENSITY REQUIREMENTS to reduce the minimum lot area, minimum lot area per unit, and minimum lot frontage for three-family dwellings, townhouse structures, and apartment conversions in the R4 District, for townhouse and apartment buildings in the R5 District, for townhouse structure and apartment building in the R6 District, and for any permitted structure in the R7 District;
3. Amending SECTION 5.4.2. DIMENSIONAL AND DENSITY REQUIREMENTS to adjust the front yard, side yard, and rear yard for three-family dwellings, townhouse structures, and apartment conversions in the R4 District, for townhouse and apartment buildings in the R5 District, for townhouse structure and apartment building in the R6 District, and for any permitted structure in the R7 District; and
4. Amending SECTION 5.4.2. DIMENSIONAL AND DENSITY REQUIREMENTS to increase the maximum height in feet, maximum stories, and maximum floor area ratio for townhouse structures and apartment conversions in the R4 District, for townhouse and apartment buildings in the R5 District, for townhouse structure and apartment building in the R6 District, and for any permitted structure in the R7 District.

or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

#### **Amend SECTION 5.4.1. DISTRICTS AND PURPOSES to revise descriptions of the R5, R6, and R7 Districts:**

##### **Section 5.4.1 Districts and Purposes**

- C. (1) R5: Apartment District/Low Density. The predominant use is two- to ~~three~~ four-story garden apartments located along or near principal arteries. The Town allows small-scale offices on principal arteries only. The Town discourages uses which would detract from the desired residential character, consume large amounts of land, or otherwise interfere with the intent of this Bylaw.
- (2) R6: Apartment District/Medium Density. The predominant land uses in the Medium-Density Apartment District consist of a mix of apartments up to ~~four~~ five stories high and offices at a smaller scale. The Town discourages uses which would detract from the desired residential and office character or otherwise interfere with the intent of this Bylaw.

## Zoning Bylaw Amendments for Multi-family Uses and Mixed-Use

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

Amend SECTION 5.4.2. DIMENSIONAL AND DENSITY REQUIREMENTS to reduce the minimum lot area, minimum lot area per unit, and minimum lot frontage for three-family dwellings, townhouse structures, and apartment conversions in the R4 District, for townhouse and apartment buildings in the R5 District, for townhouse structure and apartment building in the R6 District, and for any permitted structure in the R7 District:

### Section 5.4.2 Dimensional and Density Requirements

#### A. Tables of Dimensional and Density Regulations

R District Lot Regulations (see 5.4.2(B) for exceptions).

Minimum Requirement			
District Use	Minimum Lot Area (sq. ft.)	Minimum Lot Area per Unit (sq. ft.)	Minimum Lot Frontage (ft.)
R4			
Three-family dwelling	<del>7,500</del> <u>5,000</u>	-----	<del>70</del> <u>50</u>
Townhouse structure	<del>30,000</del> <u>5,000</u>	<del>2,500</del> <u>1,500</u>	<del>100</del> <u>50</u>
Apartment conversion	<del>12,500</del> -----	<del>2,500</del> <u>1,000</u>	<del>80</del> -----
R5			
Townhouse <del>structure</del> , apartment building	<del>20,000</del> <u>5,000</u>	<del>1,450</del> <u>1,000</u>	<del>100</del> <u>50</u>
R6			
Townhouse structure, apartment building, or office structure	<del>20,000</del> <u>5,000</u>	700	<del>100</del> <u>50</u>
R7 Any permitted principal structure	<del>20,000</del> <u>5,000</u>	550	<del>100</del> <u>50</u>

## Zoning Bylaw Amendments for Multi-family Uses and Mixed-Use

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

Amend SECTION 5.4.2. DIMENSIONAL AND DENSITY REQUIREMENTS to adjust the front yard, side yard, and rear yard for three-family dwellings, townhouse structures, and apartment conversions in the R4 District, for townhouse and apartment buildings in the R5 District, for townhouse structure and apartment building in the R6 District, and for any permitted structure in the R7 District:

### Section 5.4.2 Dimensional and Density Requirements

#### A. Tables of Dimensional and Density Regulations

R District Yard and Open Space Requirements (see 5.4.2(B) and 5.4.2(E) for exceptions).

District Use	Minimum Requirement		
	Front Yard (ft.)	Side Yard (ft.)	Rear Yard (ft.)
R4			
Three-family dwelling	<del>25</del> <u>15</u>	10	20
Townhouse structure	<del>25</del> <u>15</u>	<del>15</del> <u>10</u>	<del>25</del> <u>20</u>
Apartment conversion	<del>25</del> -----	<del>10</del> -----	<del>20</del> -----
R5			
Townhouse <u>structure</u> , apartment building	<del>15</del> <u>10</u>	<del>10+(L/10)</del> <u>15</u>	<del>25</del> <u>20</u>
R6			
Townhouse structure, apartment building, or office structure	<del>15+(H/10)</del> <u>10</u>	<del>(H+L)/6</del> <u>10</u>	<del>(H+L)/6</del> <u>20</u>
R7			
Any permitted principal structure	<del>15+(H/10)</del> <u>10</u>	<del>(H+L)/6</del> <del>At least 20</del> <del>ft.</del> <u>10</u>	<del>(H+L)/6</del> <del>At least 20 ft.</del> <u>20</u>

#### E. Exceptions to Side Yard Requirements in the R6 and R7 Districts.

For townhouse structures, apartment buildings, or office structures in the R6 district and for any permitted principal structure in the R7 district, no side yard is required at side lot lines that abut a Business district.

# **Zoning Bylaw Amendments for Multi-family Uses and Mixed-Use**

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

Amend SECTION 5.4.2. DIMENSIONAL AND DENSITY REQUIREMENTS to increase the maximum height in feet, maximum stories, and maximum floor area ratio for townhouse structures and apartment conversions in the R4 District, for townhouse and apartment buildings in the R5 District, for townhouse structure and apartment building in the R6 District, and for any permitted structure in the R7 District:

R District Building Height and Floor Area Ratio Regulations (see 5.4.2(B) for exceptions)

District Use	Maximum Allowed		
	Maximum Height (ft.)	Maximum height (stories)	Maximum Floor Area Ratio (FAR)
R4			
Townhouse structure	35	3	<del>0.70</del> <u>1.50</u>
Apartment conversion	<del>40</del> <u>-----</u>	<del>3</del> <u>-----</u>	<u>-----</u>
R5			
<u>Townhouse structure, apartment building</u>	<u>45</u>	<u>4</u>	<u>1.50</u>
<del>Any Other</del> residential or other principal structure	35	3	0.80
R6			
Townhouse <u>structure</u> , apartment building, or office on more than 20,000 sq. ft.	<del>40</del> <u>55</u>	<del>4</del> <u>5</u>	<del>1.2</del> <u>1.80</u>
	<del>35</del> <u>45</u>	<del>3</del> <u>4</u>	
R7			
Any permitted principal structure	<del>40</del> <u>45</u>	5	<del>1.50</del> <u>2.00</u>
	60		

## Zoning Bylaw Amendments for Multi-family Uses and Mixed-Use

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

### ARTICLE 7

### ZONING BYLAW AMENDMENT/DENSITY AND DIMENSIONAL REQUIREMENTS FOR MIXED-USE

To see if the Town will vote to amend the Zoning Bylaw to change the density and dimensional requirements for mixed-use in the B Districts by:

1. Amending SECTION 5.5.2. DIMENSIONAL AND DENSITY REQUIREMENTS to reduce the minimum lot area per unit for mixed-use on lots greater than 20,000 square feet in the B2 District;
2. Amending SECTION 5.5.2. DIMENSIONAL AND DENSITY REQUIREMENTS to reduce the front yard and side yard requirements for mixed-use in the B1 District;
3. Amending SECTION 5.5.2. DIMENSIONAL AND DENSITY REQUIREMENTS to increase the maximum height in feet and maximum stories for mixed-use in the B1, B3, and B5 Districts; and
4. Amending SECTION 5.5.2. DIMENSIONAL AND DENSITY REQUIREMENTS to increase the maximum floor area ratio for mixed-use in all of the Business Districts.

or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

**Amend SECTION 5.5.2. DIMENSIONAL AND DENSITY REQUIREMENTS to reduce the minimum lot area per unit for mixed-use on lots greater than 20,000 square feet in the B2 District:**

#### Section 5.5.2 Dimensional and Density Requirements

##### A. Tables of Dimensional and Density Regulations

##### B District Lot Regulations

District Use	Minimum Requirement		
	Minimum Lot Area (sq. ft.)	Minimum Lot Area per Unit (sq. ft.)	Minimum Lot Frontage (ft.)
<b>B2</b>			
Mixed-use <=20,000 sq. ft.	-----	-----	50
Mixed-use >20,000 sq. ft.	>20,000	<u>1,450</u> <del>1,000</del>	50

**Amend SECTION 5.5.2. DIMENSIONAL AND DENSITY REQUIREMENTS to reduce the front yard and side yard requirements for mixed-use in the B1 District:**

##### B District Yard and Open Space Requirements

District Use	Minimum Requirement		
	Front Yard (ft.)	Side Yard (ft.)	Rear Yard (ft.)
<b>B1</b>			
Mixed-use	<u>20</u> <del>10</del>	<u>10</u> <del>0</del>	20



## Zoning Bylaw Amendments for Multi-family Uses and Mixed-Use

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

Amend SECTION 5.5.2. DIMENSIONAL AND DENSITY REQUIREMENTS to increase the maximum height in feet and maximum stories for mixed-use in the B1, B3, and B5 Districts and Amend SECTION 5.5.2. DIMENSIONAL AND DENSITY REQUIREMENTS to increase the maximum floor area ratio for mixed-use in all of the Business Districts:

### B District Building Height and Floor Area Ratio Regulations

District Use	Maximum Allowed		
	Maximum Height (ft.)	Maximum height (stories)	Maximum Floor Area Ratio (FAR)
<b>B1</b>			
Mixed-use	<del>35</del> <u>45</u>	<del>3</del> <u>4</u>	<del>0.75</del> <u>1.50</u>
<b>B2</b>			
Mixed-use <= 20,000 sq. ft.	50	4*	<del>1.50</del> <u>1.80</u>
Mixed-use >20,000 sq. ft.	40	3 *See Sec 5.3.17	<del>1.00</del> <u>1.50</u>
<b>B2A</b>			
Mixed-use <= 20,000 sq. ft.	60 50	5 4	<del>1.50</del> <u>1.80</u>
Mixed-use >20,000 sq. ft.	50 40	4 3	<del>1.00</del> <u>1.50</u>
<b>B3</b>			
Mixed-use <= 20,000 sq. ft.	60 50	5* 4	<del>1.50</del> <u>1.80</u>
Mixed-use >20,000 sq. ft.	<del>50</del> <u>60</u> <del>40</del> <u>50</u>	5 <del>3</del> <u>4</u>	<del>1.40</del> <u>1.50</u>
<b>B4</b>			
Mixed-use <= 20,000 sq. ft.	60 50	5 4*	<del>1.50</del> <u>2.00</u>
Mixed-use > 20,000 sq. ft.	50 40	4 3	<del>1.00</del> <u>1.80</u>
<b>B5</b>			
Mixed-use <= 20,000 sq. ft.	60 50	5 4*	<del>1.80</del> <u>2.20</u>
Mixed-use > 20,000 sq. ft.	60 <del>40</del> <u>50</u>	5 <del>3</del> <u>4</u> *	<del>1.40</del> <u>1.80</u>

## **Zoning Bylaw Amendments for Multi-family Uses and Mixed-Use**

**Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.**

### **ARTICLE 8**

### **ZONING BYLAW AMENDMENT/OPEN SPACE REQUIREMENTS FOR MULTI-FAMILY USES AND MIXED-USE**

To see if the Town will vote to amend the Zoning Bylaw to adjust the open space requirements for multi-family uses and mixed-use to eliminate the requirement for usable open space and increase the requirement for landscaped open space by:

1. Amending SECTION 2 DEFINITIONS for landscaped open space;
2. Amending SECTION 5.3.21. SUPPLEMENTAL REQUIREMENTS IN THE BUSINESS AND INDUSTRIAL DISTRICTS paragraph D;
3. Amending SECTION 5.4.2. DIMENSIONAL AND DENSITY REQUIREMENTS to eliminate the minimum usable open space requirement and increase the landscaped open space requirement for multi-family uses; and
4. Amending SECTION 5.5.2. DIMENSIONAL AND DENSITY REQUIREMENTS to eliminate the minimum usable open space requirement and increase the landscaped open space requirement for mixed-use.

or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

#### **Amend SECTION 2 DEFINITIONS for landscaped open space:**

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Open Space, Landscaped: Open space designed and developed for pleasant appearance in trees, shrubs, ground covers and grass, including other landscaped elements such as natural features of the site, walks and terraces. Up to 25% of the landscaped open space may include, and also including open areas accessible to and developed for the use of the occupants of the building located upon a roof ~~not more than 10 feet above the level of the lowest story used for dwelling purposes~~ or a balcony at least 5 feet by 8 feet in size.

#### **Amend SECTION 5.3.21. SUPPLEMENTAL REQUIREMENTS IN THE BUSINESS AND INDUSTRIAL DISTRICTS paragraph D:**

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##### **Section 5.3.21 Supplemental Requirements in the Business and Industrial Districts**

- D. For mixed uses and any permitted residential use not specifically identified in the tables in Section 5.5.2, the minimum open space requirements (computed from the residential floor area only) shall be ~~10% 20%~~ landscaped open space in all Business districts and 20% usable in the B1, B2, B2A, B3, and B4 districts, and 15 percent usable in the B5 district.

## Zoning Bylaw Amendments for Multi-family Uses and Mixed-Use

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

**Amend SECTION 5.4.2. DIMENSIONAL AND DENSITY REQUIREMENTS to eliminate the minimum usable open space requirement and increase the landscaped open space requirement for multi-family uses:**

### Section 5.4.2 Dimensional and Density Requirements

#### A. Tables of Dimensional and Density Regulations

R District Open Space and Lot Coverage Regulations (see 5.4.2(B) and 5.3.13(B) for exceptions).

Minimum / Maximum Requirements			
District Use	Landscaped Open Space (Min.)	Usable Open Space (Min.)	Maximum Lot Coverage
R4			
Townhouse structure	10% <u>20%</u>	<del>30%</del> -----	-----
Apartment conversion	10% <u>20%</u>	<del>30%</del> -----	35%
R5			
Townhouse <u>structure</u> , apartment building	10% <u>20%</u>	<del>30%</del> -----	-----
R6			
Townhouse structure, apartment building, or office structure	10% <u>20%</u>	<del>25%</del> -----	-----
R7			
Any permitted principal structure	10% <u>20%</u>	<del>15%</del> -----	-----

## Zoning Bylaw Amendments for Multi-family Uses and Mixed-Use

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

**Amend SECTION 5.5.2. DIMENSIONAL AND DENSITY REQUIREMENTS to eliminate the minimum usable open space requirement and increase the landscaped open space requirement for mixed-use:**

### Section 5.5.2 Dimensional and Density Requirements

#### A. Tables of Dimensional and Density Regulations

##### B District Open Space and Lot Coverage

Use District	Minimum/Maximum Requirement		
	Landscaped Open Space	Usable Open Space	Maximum Lot Coverage
<b>B1</b>			
Mixed-use	20%	Sec. 5.3.21	-----
<b>B2</b>			
Mixed-use	<del>10%</del> <u>20%</u>	Sec. 5.3.21	-----
<b>B2A</b>			
Mixed-use <=20,000 sq. ft.	<del>-----</del> <u>20%</u>	Sec. 5.3.21	-----
Mixed-use >20,000 sq. ft.	<del>10%</del> <u>20%</u>		-----
<b>B3</b>			
Mixed-use <=20,000 sq. ft.	<del>-----</del> <u>20%</u>	Sec. 5.3.21	-----
Mixed-use >20,000 sq. ft.	<del>10%</del> <u>20%</u>		-----
<b>B4</b>			
Mixed-use <=20,000 sq. ft.	<del>-----</del> <u>20%</u>	Sec. 5.3.21	-----
Mixed-use >20,000 sq. ft.	<del>10%</del> <u>20%</u>		-----
<b>B5</b>			
Mixed-use <= 20,000 sq. ft.	<del>-----</del> <u>20%</u>	Sec. 5.3.21	-----
Mixed-use > 20,000 sq. ft.	<del>10%</del> <u>20%</u>		-----

**Zoning Bylaw Amendments for Multi-family Uses and Mixed-Use**  
**Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.**

**ARTICLE 9**

**ZONING BYLAW AMENDMENT/  
TOWNHOUSES**

To see if the Town will vote to amend the Zoning Bylaw to clarify references to townhouse and to increase the size of a townhouse structure by:

1. Amending SECTION 5.3.14. TOWNHOUSE STRUCTURES paragraph A to increase the size of a townhouse structure to not exceed 200 feet or 8 townhouses in length;
2. Amending SECTION 5.4.2. DIMENSIONAL AND DENSITY REQUIREMENTS to remove references to townhouse and replace with townhouse structure;
3. Amending SECTION 5.4.3. USE REGULATIONS FOR RESIDENTIAL DISTRICTS to remove references to townhouse and replace with townhouse structure;
4. Amending SECTION 5.5.2. DIMENSIONAL AND DENSITY REQUIREMENTS to remove references to townhouse and replace with townhouse structure;
5. Amending SECTION 5.5.3. USE REGULATIONS FOR BUSINESS DISTRICTS to remove references to townhouse and replace with townhouse structure; and
6. Amending SECTION 5.6.3. USE REGULATIONS FOR MU, PUD, I, T, and OS DISTRICTS to remove references to townhouse and replace with townhouse structure.

or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

**Amend SECTION 5.3.14. TOWNHOUSE STRUCTURES paragraph A to increase the size of a townhouse structure to not exceed 200 feet or 8 townhouses in length:**

**Section 5.3.14 Townhouse Structures**

- A. A townhouse structure shall not exceed ~~150~~ 200 feet or ~~6~~ 8 townhouses in length ~~for a single-story structure nor 120 feet for that part of the structure more than one story in height.~~

**Amend SECTION 5.4.2. DIMENSIONAL AND DENSITY REQUIREMENTS to remove references to townhouse and replace with townhouse structure:**

**Section 5.4.2 Dimensional and Density Requirements**

A. Tables of Dimensional and Density Regulations

R District Lot Regulations (see 5.4.2(B) for exceptions).

District Use	Minimum Requirement		
	Minimum Lot Area (sq. ft.)	Minimum Lot Area per Unit (sq. ft.)	Minimum Lot Frontage (ft.)
R3			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling; or other permitted structure except <u>townhouse structure</u>	5,000	-----	45
R5			
Townhouse <u>structure</u> , apartment building	<del>20,000</del> <u>5,000</u>	<del>1,450</del> <u>1,000</u>	<del>100</del> <u>50</u>

## Zoning Bylaw Amendments for Multi-family Uses and Mixed-Use

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

R District Yard and Open Space Requirements (see 5.4.2(B) for exceptions).

District Use	Minimum Requirement		
	Front Yard (ft.)	Side Yard (ft.)	Rear Yard (ft.)
R3			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling; or other permitted structure except townhouse <u>structure</u>	10	One side: min. 10 Sum of two sides: min. 16	20
R5			
Townhouse <u>structure</u> , apartment building	<del>15</del> 10	<del>10+(L/10)</del> 15	<del>25</del> 20

R District Open Space and Lot Coverage Regulations (see 5.4.2(B) and 5.3.13(B) for exceptions).

District Use	Minimum / Maximum Requirements		
	Landscaped Open Space (Min.)	Usable Open Space (Min.)	Maximum Lot Coverage
R3			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling; or other permitted structure except townhouse <u>structure</u>	10%	30%	-----
R5			
Townhouse <u>structure</u> , apartment building	<del>10%</del> 20%	30% -----	-----

R District Building Height and Floor Area Ratio Regulations (see 5.4.2(B) for exceptions)

District Use	Maximum Allowed		
	Maximum Height (ft.)	Maximum height (stories)	Maximum Floor Area Ratio (FAR)
R6			
Townhouse <u>structure</u> , apartment building, or office on more than 20,000 sq. ft.	<del>40</del> 55 <del>35</del> 45	<del>4</del> 5 <del>3</del> 4	<del>1.21</del> 1.80

Amend SECTION 5.4.3. USE REGULATIONS FOR RESIDENTIAL DISTRICTS to remove references to townhouse and replace with townhouse structure:

### Section 5.4.3 Use Regulations for Residential Districts

Class of Use	R0	R1	R2	R3	R4	R5	R6	R7
Residential								
Townhouse <u>structure</u>				SP	SP	SP	SP	SP

## Zoning Bylaw Amendments for Multi-family Uses and Mixed-Use

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

Amend SECTION 5.5.2. DIMENSIONAL AND DENSITY REQUIREMENTS to remove references to townhouse and replace with townhouse structure:

### Section 5.5.2 Dimensional and Density Regulations

#### A. Tables of Dimensional and Density Regulations

##### B District Lot Regulations

District Use	Minimum Requirement		
	Minimum Lot Area (sq. ft.)	Minimum Lot Area per Unit (sq. ft.)	Minimum Lot Frontage (ft.)
<b>B2</b>			
Townhouse <u>structure</u> or apartment building	5,000	1,450	50
<b>B3</b>			
Townhouse <u>structure</u> or apartment building	20,000	600	100
<b>B5<sup>A</sup></b>			
Townhouse <u>structure</u> or apartment building	20,000	550	100

<sup>A</sup> The maximum height in feet of any building or buildings may be modified by special permit of the Arlington Redevelopment Board under Section 3.4 of this Bylaw, provided that the total roof area exceeding either maximum height shall be equal to an equal roof area, within the part of the project to which the same height limit applies, that is less than the maximum height so that the total of the products of the horizontal roof area of all roofs times their respective heights shall not exceed the product of the horizontal area of the total roof times the applicable maximum height permitted in the district, and provided further that the height of any roof shall not exceed the applicable maximum height permitted in the district by more than 12 feet.

##### B District Yard and Open Space Requirements

District Use	Minimum Requirement		
	Front Yard (ft.)	Side Yard (ft.)	Rear Yard (ft.)
<b>B2</b>			
Townhouse <u>structure</u> or apartment building	20	10	20
<b>B3</b>			
Townhouse <u>structure</u> or apartment building	15+(H/10)	(H+L)/6	(H+L)/6
<b>B5</b>			
Townhouse <u>structure</u> or apartment building	15+(H/10)	(H+L)/6 (at least 20 ft.)	(H+L)/6 (at least 20 ft.)

## Zoning Bylaw Amendments for Multi-family Uses and Mixed-Use

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

### B District Open Space and Lot Coverage

Use District	Minimum/Maximum Requirement		
	Landscaped Open Space	Usable Open Space	Maximum Lot Coverage
<b>B2</b>			
Townhouse <u>structure</u> or apartment building	10%	20%	-----
<b>B3</b>			
Townhouse <u>structure</u> or apartment building	10%	20%	-----
<b>B5</b>			
Townhouse <u>structure</u> or apartment building	10%	15%	-----

### B District Building Height and Floor Area Ratio Regulations

District Use	Maximum Allowed		
	Maximum Height (ft.)	Maximum height (stories)	Maximum Floor Area Ratio (FAR)
<b>B2</b>			
Townhouse <u>structure</u> or apartment building	35	3	1.00
<b>B3</b>			
Townhouse <u>structure</u> or apartment building	60	5	1.40
20,000 sq. ft.	40	3	
<b>B5</b>			
Townhouse <u>structure</u> or apartment building	75	-----	1.50
	40		

Amend SECTION 5.5.3. USE REGULATIONS FOR BUSINESS DISTRICTS to remove references to townhouse and replace with townhouse structure:

#### 5.5.3 Use Regulations for Business Districts

Class of Use	B1	B2	B2A	B3	B4	B5
<b>Residential</b>						
Townhouse <u>structure</u>	SP	SP	SP	SP		SP

Amend SECTION 5.6.3. USE REGULATIONS FOR USE REGULATIONS FOR MU, PUD, I, T, and OS DISTRICTS to remove references to townhouse and replace with townhouse structure:

#### 5.6.3 Use Regulations for MU, PUD, I, T, and OS Districts

Class of Use	MU	PUD	I	T	OS
<b>Residential</b>					
Townhouse <u>structure</u>	SP	SP			



## **Zoning Bylaw Amendments for Multi-family Uses and Mixed-Use**

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

### **ARTICLE 10**

### **ZONING BYLAW AMENDMENT/UPPER-STORY BUILDING STEP BACKS**

To see if the Town will vote to amend the Zoning Bylaw to adjust the upper-story building step back beginning at the fourth story level or 40 feet above grade by amending SECTION 5.3.17. UPPER-STORY BUILDING STEP BACKS and by amending SECTION 5.3.21. SUPPLEMENTAL REQUIREMENTS IN THE BUSINESS AND INDUSTRIAL DISTRICTS paragraph C to refer to four stories; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

**Amend SECTION 5.3.17. UPPER-STORY BUILDING STEP BACKS to adjust the upper-story building step back beginning at the fourth story level or 40 feet above grade:**

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#### **5.3.17 Upper-Story Building Step Backs**

For buildings more than ~~three~~ four stories in height, an additional 7.5-foot step-back (upper-story building setback) shall be provided beginning at the ~~third~~ fourth story level or ~~30~~ 40 feet above grade, whichever is less. The upper-story step back shall be provided along all building elevations with street frontage, excluding alleys.

**Amend SECTION 5.3.21. SUPPLEMENTAL REQUIREMENTS IN THE BUSINESS AND INDUSTRIAL DISTRICTS paragraph C to refer to four stories:**

---

#### **5.3.21 Supplemental Requirements in the Business and Industrial Districts**

- C. Upper-Story ~~Setbacks~~ Building Step Back. In any district where the maximum building height exceeds ~~three~~ four stories, upper-story building ~~setbacks~~ step backs shall be required. See 5.3.17 for Upper-Story Building Step Back ~~requirements~~ requirement.

## Zoning Bylaw Amendments for Multi-family Uses and Mixed-Use

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

### ARTICLE 11

### ZONING BYLAW AMENDMENT/REDUCED HEIGHT BUFFER AREA

To see if the Town will vote to amend the Zoning Bylaw to reduce the height buffer area to 25 to 50 feet depending on orientation and to identify the specific requirements to allow application of the higher height limit by amending SECTION 5.3.19. REDUCED HEIGHT BUFFER AREA; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

**Amend SECTION 5.3.19. REDUCED HEIGHT BUFFER AREA to reduce the height buffer area to 25 to 50 feet depending on orientation and to identify the specific requirements to allow application of the higher height limit:**

---

#### 5.3.18 Reduced Height Buffer Area

- A. When two different maximum height limits are specified for the same zoning district in any Table of Dimensional and Density Regulations in this Section 5, the lower limit shall apply to any lot or part of a lot located in a height buffer area unless a finding of the Board of Appeals or the Arlington Redevelopment Board, as applicable, determines that the location, based on site-specific factors, or if the Applicant demonstrates to the satisfaction of the Board of Appeals or the Arlington Redevelopment Board, as applicable, that proximity to it is determined as a specific finding of a special permit that the properties in the adjacent R0, R1, R2, or OS district would not be adversely affected due to existing use or topographic condition will not be detrimental based upon criteria established in Section 3.3.3 and Section 3.3.4. A height buffer area is defined as a lot or part of a lot which is located at a lesser distance from any land, not within a public way, in an R0, R1, R2 or OS district than the following:

Land in R0, R1, R2, OS is located	Lower height shall apply
Between northwest and northeast	Within <del>200</del> <u>50</u> feet
Easterly, between northeast and southeast, or westerly between northwest and southwest	Within <del>150</del> <u>35</u> feet
Southerly, between southeast and southwest	Within <del>100</del> <u>25</u> feet

**ARTICLE 12**

**ZONING BYLAW AMENDMENT/CORNER LOT  
REQUIREMENTS**

To see if the Town will vote to amend the Zoning Bylaw to add a requirement for corner lots in the R4 through R7 Districts and all Business Districts which requires the minimum street yard to be equal to the front yard depth required by amending SECTION 5.3.8. CORNER LOTS AND THROUGH LOTS; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

**Amend SECTION 5.3.8. CORNER LOTS AND THROUGH LOTS to add a requirement for corner lots in the R4 through R7 Districts and all Business Districts which requires the minimum street yard to be equal to the front yard depth required:**

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**5.3.8 Corner Lots and Through Lots**

- A. A corner lot shall have minimum street yards with depths which shall be the same as the required front yard depths for the adjoining lots. However, in the R4, R5, R6, and R7 districts and all of the business (B) districts, a corner lot shall have minimum street yards with depths which shall be the same as the required front yard depths for the district in which the street frontage is located.

## Zoning Bylaw Amendments for Multi-family Uses and Mixed-Use

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

### ARTICLE 13

### ZONING BYLAW AMENDMENT/APARTMENT BUILDING PARKING REQUIREMENTS

To see if the Town will vote to amend the Zoning Bylaw to reduce the parking requirements for apartment buildings by amending SECTION 6.1.4. TABLE OF OFF-STREET PARKING REGULATIONS to reduce the minimum number of spaces to 1 space per dwelling unit; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

**Amend SECTION 6.1.4. TABLE OF OFF-STREET PARKING REGULATIONS to reduce the minimum number of spaces to 1 space per dwelling unit for apartment buildings:**

---

#### 6.1.4 Table of Off-Street Parking Regulations

Use	Minimum Number of Spaces
<b>Residential Uses</b>	
Apartment building	<del>1 space per efficiency dwelling unit; 1.15 space per 1-bedroom dwelling unit, 1.5 spaces per 2-bedroom dwelling unit, and 2 spaces per 3 or more bedroom dwelling unit; 1 space per dwelling unit and 1 space per 5 units of public housing for the elderly.</del>

**ARTICLE 14**

**ZONING BYLAW AMENDMENT/PARKING REDUCTION  
APPLICABILITY**

To see if the Town will vote to amend the Zoning Bylaw to include the R7 District in SECTION 6.1.5. PARKING REDUCTION IN BUSINESS, INDUSTRIAL, AND MULTI-FAMILY RESIDENTIAL ZONES; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

**Amend the Zoning Bylaw to include the R7 District in SECTION 6.1.5. PARKING REDUCTION IN BUSINESS, INDUSTRIAL, AND MULTI-FAMILY RESIDENTIAL ZONES:**

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**6.1.5 Parking Reduction in Business, Industrial, and Multi-Family Residential Zones**

The Board of Appeals or Arlington Redevelopment Board, as applicable, may allow the reduction of the parking space requirements in the R5, R6, R7, Business, and Industrial Zones to 25 percent of that required in the Table of Off-Street Parking Regulations if the proposed parking is deemed adequate and where Transportation Demand Management practices are incorporated, as evidenced by a Transportation Demand Management Plan approved by the Special Permit Granting Authority. [...]

## Zoning Bylaw Amendments for Accessory Dwelling Units

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

### ARTICLE 15

### ZONING BYLAW AMENDMENT/ACCESSORY DWELLING UNITS

To see if the Town will vote to amend the Zoning Bylaw to allow accessory dwelling units in the R0 and R1 Zoning Districts by amending SECTION 2 DEFINITIONS to define accessory dwelling units; amending SECTION 5.4.3. USE REGULATIONS FOR RESIDENTIAL DISTRICTS to include the use in the table of uses; and creating a new section, SECTION 5.9.2. ACCESSORY DWELLING UNITS, containing standards for accessory dwelling units; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

#### Amend SECTION 2 DEFINITIONS to add a definition for accessory dwelling unit:

Accessory Dwelling Unit: An accessory dwelling unit is a wholly-contained dwelling unit located within a single-family dwelling existing within a single-family district at the time of the Building Permit. The accessory dwelling unit is subordinate in size to the principal dwelling unit, and physically separated from it, with its own kitchen, bathroom, and two means of egress, and held under common ownership with the primary dwelling unit.

#### Amend SECTION 5.4.3. USE REGULATIONS FOR RESIDENTIAL DISTRICTS to include the use in the table of uses:

Class of Use	R0	R1	R2	R3	R4	R5	R6	R7
Accessory Uses								
<u>Accessory dwelling unit</u>	<u>SP</u>	<u>SP</u>						

#### Create a new section, SECTION 5.9.2. ACCESSORY DWELLING UNITS, containing standards for accessory dwelling units:

##### 5.9.2 Accessory Dwelling Units

A. The Zoning Board of Appeals may grant a special permit for an accessory dwelling unit in a single-family dwelling in the R0 or R1 districts, provided that all of the following conditions are met:

- (1) The lot area shall be at least the minimum required under Section 5 of the Zoning Bylaw;
- (2) The gross floor area of an accessory dwelling unit cannot exceed 33% of the gross floor area of a single-family dwelling as defined in Section 2. In no case shall the gross floor area of the accessory dwelling unit exceed 750 square feet;
- (3) The accessory dwelling unit must be contained within the gross floor area of the dwelling existing at the time of the permit application, except for the addition of a second means of egress or other modification to meet the State Building Code;
- (4) The owner(s) of the structure in which the accessory dwelling unit is located must occupy one of the dwelling units as their primary residence, except for temporary absences of no more than 3 months in any 60-month period;
- (5) No additional off-street parking spaces are required;
- (6) The dwelling shall continue to be treated as a single-family dwelling in an R0 or R1 districts; and
- (7) The minimum occupancy or rental term shall be 90 days.

## Zoning Bylaw Amendments for Accessory Dwelling Units

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

### B. The following procedures apply to accessory dwelling unit:

- (1) No accessory dwelling unit shall be constructed or altered without issuance of a special permit from the Zoning Board of Appeals;
- (2) No accessory dwelling unit shall be occupied prior to issuance of a Certificate of Occupancy by the Building Inspector;
- (3) Prior to the issuance of a Certificate of Occupancy, the owner shall submit to the Building Inspector a notarized affidavit signed under pains and penalties of perjury stating that the owner currently occupies one of the dwelling units on the premises as the owner's primary residence; and
- (4) When a dwelling containing an accessory dwelling unit previously permitted under this Section is sold or otherwise conveyed, the special permit for that accessory dwelling unit shall remain in force only if all requirements of this section continue to be met and the new property owner submits to the Building Inspector a notarized affidavit, signed under the pains and penalties of perjury, stating that the new owner intends to occupy one of the units in the structure as their primary residence, and will continue to do so, except for temporary absences of up to 3 months in any 60-month period.

**Zoning Bylaw Amendments to Affordable Housing Requirements**  
**Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.**

**ARTICLE 16**

**ZONING BYLAW AMENDMENT/  
AFFORDABLE HOUSING REQUIREMENTS**

To see if the town will vote to amend the Zoning Bylaw by increasing the affordability requirements contained in Section 8.2 AFFORDABILITY REQUIREMENTS, (such that a greater number of units of affordable would be required for certain projects); or take any action related thereto.

(Steve Revilak and 10 Registered Voters)

**Amend Section 8.2.3(A) to increase the affordability requirements:**

- A. ~~In any development subject to this Section 8.2, 15% of the dwelling units shall be affordable units as defined in Section 2 of this Bylaw.~~ In any development subject to this Section 8.2, a percentage of the dwelling units shall be affordable units as defined in Section 2 of this Bylaw, where the percentage is given by the following table:

<u>Total Number of Units</u>	<u>Required Affordable Units</u>
<u>0 to 5 units</u>	<u>No affordability requirement</u>
<u>6 to 19 units</u>	<u>15% affordable units</u>
<u>20 units or more</u>	<u>20% affordable units</u>

For purposes of this Section 8.2., each room for renter occupancy in a single-room occupancy building shall be deemed a dwelling unit. In determining the total number of affordable units required, calculation of a fractional unit of 0.5 or more shall be rounded up to the next whole number.



## **Zoning Bylaw Amendments to Sign Regulations**

**Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.**

### **ARTICLE 17**

### **ZONING BYLAW AMENDMENT/ SIGN REGULATIONS**

To see if the Town will vote to amend the Zoning Bylaw to update the sign regulations in its entirety by; amending SECTION 2 DEFINITIONS to remove and replace the definitions associated with signs, and amending SECTION 6.2 SIGNS to remove and replace the sign regulations in its entirety, or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

**Please use the following link to access the Revised Sign Regulations:**

**<https://www.arlingtonma.gov/Home/ShowDocument?id=45538>**

DRAFT

## Zoning Bylaw Amendments to the Floodplain District

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

### ARTICLE 18

### ZONING BYLAW AMENDMENT/FLOODPLAIN DISTRICT

To see if the Town will vote to amend the Zoning Bylaw to update the Floodplain District regulations by amending SECTION 5.7 FLOODPLAIN DISTRICT by making minor corrections to the bylaw in order to be consistent with the Conservation Commission's Town of Arlington Bylaw for Wetland Protection and other associated regulations; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

#### Amend SECTION 5.7 FLOODPLAIN DISTRICT to make minor corrections:

#### **5.7 FLOODPLAIN DISTRICT**

##### **5.7.1 Purpose**

The purpose of Section 5.7 is to:

- A. Protect the health and safety of the occupants of lands subject to seasonal or periodic flooding in the Mill Brook, Alewife Brook, Mystic River, and Mystic Lakes floodplain, as shown on the zoning overlay map of the Town of Arlington.
- B. Prevent the reduction of the water-carrying capacity of streams, brooks, rivers, and drainage courses by prohibiting the destruction or alteration of their natural character, and by preventing encroachment by future development, both public and private, in the floodway. A floodway includes the normal channel of a river or stream and those portions of the floodplains adjoining the normal channel which are reasonably required to carry off the flood flow.
- C. Preserve the natural flood control characteristics and the water storage capacity of the floodplain.
- D. Protect the public from hazard and loss through the regulation of future development of lands adjoining such watercourses.
- E. Protect the safety and purity of water; control and containment of sewage; safety of gas, electric, fuel, and other utilities from breaking, leaking, short-circuiting, grounding, igniting, electrocuting or any other dangers due to flooding.

##### **5.7.2 Boundaries**

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Arlington designated a Zone A, AE and X on the Middlesex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program (NDIP). The map panels of the Middlesex County FIRM that are wholly or partially within the Town of Arlington include the following panel numbers: 25017C0412E, 25017C0416E, 25017C0419E, dated June 4, 2010 (Scale 1"=500'). The exact boundaries of the District may be defined by the 1% annual (100 year flood) base flood elevations shown on the FIRM and further defined by the Middlesex County Flood Insurance Study (FIS) report dated June 4, 2010. Said boundary, so determined, shall be presumed accurate. This presumption may be overcome only by credible evidence from a registered professional engineer or other professional competent in such matters. The FIRM and FIS report are incorporated herein by reference and are on file with the Department of Planning and Community Development and Conservation Commission.

##### **5.7.3 Applicability**

- A. Any proposed use, structure, development, filling, grading, or excavation within the Floodplain District shall be governed by all regulations of this Section 5.7, G.L. c. 131, § 40, ~~Wetlands~~

## **Zoning Bylaw Amendments to the Floodplain District**

**Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.**

~~Protection Regulations of the Town Bylaws~~ Town of Arlington Bylaw for Wetlands Protection (Title V, Article 8) ~~and the Town's Wetland Protection Regulations (Regulations) promulgated thereunder~~, Department of Environmental Protection (DEP) 310 CMR 10.00, Inland Wetlands Restriction (DEP) 310 CMR 13.00, and the section of the State Building Code that addresses floodplain areas, and shall require a building permit. The extent of the Floodplain District shall be determined by the Conservation Commission.

- B. The phrase, "Board of Appeals or Arlington Redevelopment Board, as applicable", shall mean "subject to a special permit from the Board of Appeals or approval from the Arlington Redevelopment Board in the case of activity subject to Section 3.4, Environmental Design Review".

### **5.7.4 Setback from Open Stream**

A building or structure, except for a retaining wall, fence, or bridge, may be set back less than 15 feet by special permit from the Board of Appeals, following consultation with the Arlington Conservation Commission.

### **5.7.5 Use Regulations**

- A. Prohibited Uses. No construction, development, or filling shall be permitted in the regulatory floodway as defined in the Middlesex County FIRMS.
- B. Permitted Uses. The following uses are permitted in the Floodplain District:
- (1) The following outdoor uses shall be permitted as of right provided no buildings or structures are erected:
    - Sales place for flowers as a principal use, garden supplies, agricultural produce, conducted partly or wholly outdoors, commercial greenhouse or garden
    - Farm (except the raising of livestock or poultry, if the farm is on less than five acres of land) or market garden but, unless otherwise exempt under state law, in no case, shall goods or produce be sold that are not the natural products of the premises in question
    - Park, playground, or other outdoor recreational facility not conducted as a private business
    - Country, fishing, tennis, swimming, skating, golf club or other outdoor recreation facility not conducted as a private business
    - Wildlife management areas
    - Foot, bicycle, or horse paths
  - (2) For single-family detached dwellings, two-family dwellings, or duplex dwellings existing on the effective date of this Section is advertised (August 28, 1975), the expansion of these (or their accessory) uses to a maximum of 15% of the lot coverage existing when this section is enacted, provided that such expansions conform to this Section 5 and do not constitute substantial improvement of a structure. Substantial improvement means any repair, reconstruction, or improvement of a structure, the cost of which exceeds 50% of the actual cash value of the structure either (a) before the improvement is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. Structures erected or expanded under this Section 5.7 shall use construction materials and utility equipment that are resistant to flood damage, and construction methods and practices that will minimize flood damage.
- C. Special Permit. The following shall require a special permit from the Board of Appeals or Arlington Redevelopment Board, as applicable.

## **Zoning Bylaw Amendments to the Floodplain District**

**Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.**

- (1) The proposed use, including filling or excavating, when combined with all existing uses, will not increase the water surface in the 1% base flood elevation.
- (2) The proposed use shall comply with the most stringent of the following regulations as amended in Massachusetts Wetlands Protection Regulations, Department of Environmental Protection (DEP), 310 CMR 10.00 and Inland Wetlands Restriction (DEP) 310 CMR 13.00 and in the ~~Conservation Commission's Wetlands Regulations promulgated under the Arlington Wetlands Bylaw~~ Town of Arlington Bylaw for Wetlands Protection (Title V, Article 8) and the Wetland Protection Regulations (Regulations) promulgated thereunder.
- (3) Base Flood Elevation Data is required for proposals or other developments greater than 50 lots or five acres, whichever is the lesser, within ~~unnumbered A Zones~~ A Zones where the base flood elevation has not been established.

The provisions of this subsection shall not apply to the reconstruction or repair of a structure unless it constitutes substantial improvements existing prior to August 28, 1975 after a fire or other casualty. However, major repairs shall use construction materials and utility equipment that are resistant to flood damage and construction methods and practices that will minimize flood damage.

- (4) In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

### **5.7.6 Procedures**

- A. ~~Application. Applicants for a special permit shall be made to the Board of Appeals or the Arlington Redevelopment Board, as applicable, in accordance with its rules and regulations. The application for a special permit shall be filed in accordance with Section 3.~~
- B. The Board shall hold a public hearing in accordance with Section 3.3 of this Bylaw and G.L. c. 40A, §§ 9 and 11.
- C. ~~The Board shall not take final action on an application for a special permit until it has received a report from the Building Inspector, the Board of Health, the Conservation Commission, Town Engineer, and the Arlington Redevelopment Board (if applicable) or until 35 days have elapsed after receipt of such application and plans without submission of a report.~~
- D. ~~The Board may, as a condition of approval, require that effective notice be given to prospective purchasers, by signs or otherwise, of past flooding of said premises, and the steps undertaken by the petitioner or his successor in title to alleviate the effects of the same.~~
- E. ~~No occupancy permit shall be issued for special permit uses under this Section until the Building Inspector and the Board of Health, the Conservation Commission, Board of Appeals, and Arlington Redevelopment Board have received a certified plan showing the foundation and flood elevations, elevations of the completed construction, and until all requirements of all permits are satisfied.~~

### **5.7.7 Areas, Open Space, and Yard Regulations**

The portion of any lot within the Floodplain District may be used to meet the lot area, open space and yard requirements for the district in which the remainder of the lot is situated.

## **Zoning Bylaw Amendments to the Floodplain District**

**Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.**

### **5.7.8 Exemptions**

- A. Where a proposed use is determined to fall within the limits of the Floodplain District and the applicant determines that the location is not included in the definition of the Floodplain District, said use may be exempt by the Board of Appeals or Arlington Redevelopment Board, as applicable, from the provisions of this section if the applicant provides sufficient evidence for the applicable Board to determine that the land in question should not be subject to the provisions of this Section.
- B. If it is determined that an area of significant size should no longer be included within the Floodplain District due to a natural or man-made event which has altered the boundary, the floodline determining the boundaries of the Floodplain District may be changed with approval from Town Meeting provided the new floodline to be adopted has been established in accordance with accepted engineering practice and certified by a registered professional engineer.

### **~~5.7.9 Notification of Alteration~~**

~~In a riverine situation, the Director of Planning and Community Development shall notify the following of any alteration or relocation of a watercourse:~~

- ~~• Chief Executive Officers in Adjacent Communities~~
- ~~• NFIP State Coordinator  
Massachusetts Department of Conservation and Recreation  
251 Causeway Street, Suite 600-700  
Boston, MA 02114-2104~~
- ~~• NFIP Program Specialist  
Federal Emergency Management Agency, Region I  
99 High Street, 6th Floor  
Boston, MA 02110~~

## Zoning Bylaw Amendments to the Inland Wetland District

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

### ARTICLE 19

### ZONING BYLAW AMENDMENT/INLAND WETLAND DISTRICT

To see if the Town will vote to amend the Zoning Bylaw to streamline and update the Inland Wetland District regulations by amending SECTION 5.8 INLAND WETLAND DISTRICT by making minor corrections to the bylaw in order to be consistent with the Conservation Commission's Town of Arlington Bylaw for Wetland Protection and other associated regulations; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

#### Amend SECTION 5.8 INLAND WETLAND DISTRICT to make minor corrections:

#### **5.8 INLAND WETLAND DISTRICT**

##### **5.8.1 Purpose**

The purpose of Section 5.8 is to:

- A. Preserve and protect the streams, water bodies, and other watercourses, including wetlands, in the Town of Arlington.
- B. Protect the health and safety of persons and property against the hazards of flooding and contamination.
- C. Preserve and maintain the groundwater table for potential water supply purposes.
- D. Protect the community against the detrimental use and development of lands adjoining such watercourses.
- E. Conserve the watershed areas in Arlington for the health, safety, and welfare of the public.

##### **5.8.2 Definition**

The Inland Wetland District is superimposed over any other district established by this Bylaw and includes the following areas:

- A. All lands within the elevations shown on the Wetland and Floodplain Overlay Map of the Zoning Map and designated as wetlands. These include lakes, ponds and swamps.
- B. All land area along all perennial rivers, brooks, and streams for a horizontal distance of 25200 feet from the center line thereof are included in the Inland Wetland District.
- C. All lands designated on the zoning map as having a shallow depth to water table. These lands are the poorly and very poorly drained mineral soils, and very poorly drained soils formed in organic deposits. Poorly drained mineral soils have a water table at or near the surface for at least 7 to 9 months during the year. The water table remains at or close to the surface of very poorly drained mineral and organic soils throughout most of the year.

##### **5.8.3 Applicability**

Any proposed use to be located within the limits of the Inland Wetland District as determined by the ~~Inspector of Buildings~~Building Inspector under Section ~~3-053.1~~3.053.1 of this Bylaw shall be governed by all regulations of this Section as well as all other applicable provisions of this Bylaw.

##### **5.8.4 Permitted Uses**

Municipal use, such as waterworks, pumping stations, and parks, is permitted under this section. Land in the Inland Wetland District may be used for any purpose otherwise permitted in the underlying district except that:

- A. No structure intended for human occupancy or use on a permanent basis having water and sewerage facilities and no other building, wall, dam or structure (except flagpoles, signs, and the

## **Zoning Bylaw Amendments to the Inland Wetland District**

**Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.**

like) intended for permanent use shall be erected, constructed, altered, enlarged, or otherwise created or moved for any purpose unless a Special Permit from the ~~ZBA~~Board of Appeals or, in cases subject to Environmental Design Review, a Special Permit from the ~~ARB~~Arlington Redevelopment Board, is issued. However, a structure existing at the time this Bylaw becomes effective may be reconstructed or repaired after a fire or other casualty, as provided in Section ~~9.068.1.8~~ of this Bylaw.

- B. Dumping, filling, excavating, or transferring of any earth material within the district is prohibited unless a Special Permit from the ~~ZBA~~Board of Appeals or, in cases subject to Environmental Design Review, a Special Permit from the ~~ARB~~Arlington Redevelopment Board, is issued. However, this paragraph does not prohibit ordinary gardening activities in lawn or garden areas which are used for such purposes at the time this Bylaw became effective.
- C. No ponds or pools shall be created or other changes in watercourses, for swimming, fishing, or other recreational uses, agricultural uses, scenic features, or drainage improvements or any other uses unless a Special Permit from the ~~ZBA~~Board of Appeals or, in cases subject to Environmental Design Review, a Special Permit from the ~~ARB~~Arlington Redevelopment Board, is issued.

### **5.8.5 Procedures**

~~Any person(s) desiring such a permit shall submit an application to the ZBA or, in cases subject to Environmental Design Review, to the ARB, which shall comply with the conditions and submittal requirement as listed in the following subsections. Application for a special permit shall be filed in accordance with the rules and regulations of the Special Permit Granting Authority and G.L. c. 40A, as outlined in Section 3. (Such conditions shall include, where applicable, approval by the Board of Appeals, Arlington Redevelopment Board, Conservation Commission, the Massachusetts Department of Environmental Protection, and/or the Massachusetts Department of Public Works Transportation under Chapter 131 of the General Laws, acts relating to the protection of the inland wetlands of the Commonwealth.) The application procedure shall be the same as for special permits. Copies of the application for special permit with accompanying plans shall also be sent to the Inspector of Buildings, Board of Health, the Conservation Commission, Town Engineer, and, if applicable, the ARB for their recommendations as to their approval, disapproval or appropriate recommendations.~~

### **5.8.6 Development Conditions**

- A. For the development of land within the Inland Wetland District, the following conditions shall apply:
  - (1) A minimum of six test borings to a minimum depth of eight (8) feet shall be taken; three of which shall be within the area of the proposed structure and three within 25 feet of the outside walls of the structure, but not closer than 10 feet. A report by a soil scientist or qualified engineer shall accompany the test data.
  - (2) The floor level of areas to be occupied by human beings as living or work space shall be four (4) feet above the seasonal high water table and not subject to periodic flooding.
  - (3) If the basement floor level is below the seasonal high water table and affords the possibility of human occupancy at some future date, although not originally intended, adequate perimeter drainage and foundation shall be installed to withstand the effect of pressure and seepage. Furnace and utilities are to be protected from the effects of leaching.

**Zoning Bylaw Amendments to the Inland Wetland District**

**Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.**

- (4) Safe and adequate means of vehicular and pedestrian passage shall be provided in the event of flooding of the lot(s) or adjacent lot(s) caused by either the overspill from water bodies or high runoff.
- B. The developer shall show that the proposed development will not endanger health and safety, including safety of gas, electricity, fuel, and other utilities from breaking, leaking, short-circuiting, grounding, igniting or electrocuting; shall not obstruct or divert flood flow; substantially reduce natural floodwater storage capacity; destroy valuable habitat for wildlife; adversely affect groundwater resources or increase storm water run-off velocity so that water levels on other land are substantially raised or the danger from flooding increased.

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## **Zoning Bylaw Amendments to Codify Dover Amendment Reviews**

**Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.**

### **ARTICLE 20**

### **ZONING BYLAW AMENDMENT/REVIEW OF RELIGIOUS AND EDUCATIONAL USES**

To see if the Town will vote to amend the Zoning Bylaw to clarify the process by which the Town reviews religious and educational uses by:

1. Amending SECTION 3.4 ENVIRONMENTAL DESIGN REVIEW to remove paragraph J referring to religious and educational uses;
  2. Adding a new SECTION 3.5 RELIGIOUS AND EDUCATIONAL USE REVIEW that codifies an administrative review process that is consistent with M.G.L. Chapter 40A, Section 3;
  3. Amending SECTION 5.4.3. USE REGULATIONS FOR RESIDENTIAL DISTRICTS to clarify notes which refer to educational and religious uses;
  4. Amending SECTION 5.5.3. USE REGULATIONS FOR BUSINESS DISTRICTS to clarify notes which refer to educational and religious uses; and
  5. Amending SECTION 5.6.3. USE REGULATIONS FOR MU, PUD, I, T, AND OS DISTRICTS to clarify notes which refer to educational and religious uses.
- or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

**Amend SECTION 3.4 ENVIRONMENTAL DESIGN REVIEW to remove paragraph J referring to religious and educational uses:**

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~~J. Use of land or structures for religious purposes or for educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation; or the use of land or structures for a child care facility; provided, however, as provided and limited by the provisions of G.L. c. 40A, § 3, that the Board's authority shall be limited to reasonable regulation of the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking, and building coverage requirements.~~

**Add a new SECTION 3.5 RELIGIOUS AND EDUCATIONAL USE REVIEW that codifies an administrative review process that is consistent with M.G.L. Chapter 40A, Section 3:**

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#### **3.5 RELIGIOUS AND EDUCATIONAL USE REVIEW**

##### **3.5.1 Purposes**

The purpose of Section 3.5 is to provide for reasonable regulation of religious, non-profit educational, and child care facilities used primarily for such purposes consistent with G.L. c. 40A, §3. Specifically, reasonable regulation refers to the bulk and height of structures and in determining yard sizes, lot area, setbacks, open space, parking, and building coverage requirements. When applying reasonable regulation, the Town shall not unreasonably impede the protected use without appreciably advancing the goals of the Arlington Master Plan or other development plans and policies of the Town.

##### **3.5.2 Procedures**

- A. Building Inspector Review: To determine whether a religious, non-profit educational, or child care facility use is protected under G.L. c. 40A, §3, the property owner or agent of an owner

## Zoning Bylaw Amendments to Codify Dover Amendment Reviews

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

shall submit to the Building Inspector such information necessary to make the following findings:

- (1) That the applicant has sufficiently demonstrated that the proposed use of the property or structures is for a religious, non-profit educational, or child care purpose, or appropriate combination thereof; and
- (2) That the applicant has sufficiently demonstrated that the proposed use of the property or structure for these purposes is the principal use.

B. Department of Planning and Community Development Review: If the applicant has satisfied the Building Inspector per Section 3.5.2.A., the Building Inspector shall inform the Department of Planning and Community Development ("Department") that a given application is appropriate for administrative review for the purposes set forth in Section 3.5.1. The Department shall apply those requirements allowed by G.L. c. 40A, §3, in a reasonable fashion within the specific context of the proposed project as an administrative permitting process with the following responsibilities:

- (1) The applicant bears the burden of establishing that the application of a given regulation should be waived, reduced, or altered as unreasonable within the specific facts of both the site and the proposed use; and
- (2) The Department bears the burden of applying only those regulations in accordance with the goals of the Arlington Master Plan or other development plans and policies of the Town.

### **3.5.3 Appeal**

An appeal to the Board of Appeals or the Arlington Redevelopment Board may be taken by any person aggrieved due to the determination of the Building Inspector or the Department, as provided in G.L. c. 40A, § 8 and § 15.

**Amend SECTION 5.4.3 USE REGULATIONS FOR RESIDENTIAL DISTRICTS to clarify notes which refer to educational and religious uses:**

Class of Use	R0	R1	R2	R3	R4	R5	R6	R7
<b>Residential</b>								
Dormitory (Note: <del>permitted</del> See Section 3.5 if use is for educational or religious purposes)			SP	SP	SP	SP	SP	SP
<b>Institutional, Educational</b>								
Community center, youth club, adult education center, or similar facility operated by a non-profit institution (Note: <del>permitted</del> See Section 3.5 if use is for educational or religious purposes.)	SP	SP	SP	SP	SP	SP	SP	SP
Library, museum, or art gallery open to the public and not conducted as a private gainful business. (Note: <del>permitted</del> See Section 3.5 if use is	SP	SP	SP	SP	SP	SP	SP	SP

## Zoning Bylaw Amendments to Codify Dover Amendment Reviews

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

Class of Use	R0	R1	R2	R3	R4	R5	R6	R7
for educational or religious purposes.)								

**Amend SECTION 5.5.3 USE REGULATIONS FOR BUSINESS DISTRICTS to clarify notes which refer to educational and religious uses:**

Class of Use	B1	B2	B2A	B3	B4	B5
<b>Residential</b>						
Dormitory (Note: <del>permitted</del> See Section 3.5 if use is for educational or religious purposes.)	Y	Y	Y	Y	Y	Y
<b>Institutional, Educational</b>						
Community center, youth club, adult education center, or similar facility operated by a non-profit institution (Note: <del>permitted</del> See Section 3.5 if use is for educational or religious purposes.)	SP	SP		SP		SP
Library, museum, or art gallery open to the public and not conducted as a private gainful business. (Note: <del>permitted</del> See Section 3.5 if use is for educational or religious purposes.)	SP	SP	SP	SP		SP

**Amend SECTION 5.6.3 USE REGULATIONS FOR MU, PUD, I, T, AND OS DISTRICTS to clarify notes which refer to educational and religious uses:**

Class of Use	MU	PUD	I	T	OS
<b>Residential</b>					
Dormitory (Note: <del>permitted</del> See Section 3.5 if use is for educational or religious purposes)	SP	SP			
<b>Notes</b>					

<sup>B</sup> But permitted by right if accessory to a use exempt under G.L. c. 40A, § 3. See Section 3.5.

## Zoning Bylaw Amendments to Bicycle Parking

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

### ARTICLE 21

### ZONING BYLAW AMENDMENT/BICYCLE PARKING

To see if the Town will vote to amend the Zoning Bylaw to update the bicycle parking standards by amending SECTION 6.1.12. BICYCLE PARKING to remove and replace the section in its entirety; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

**Amend the Zoning Bylaw to update the bicycle parking standards by amending SECTION 6.1.12. BICYCLE PARKING to remove and replace the section in its entirety:**

---

#### 6.1.12 Bicycle Parking

- A. ~~Bicycle parking spaces shall be provided for any development subject to Section 3.4, Environmental Design Review and any use requiring eight or more vehicle parking spaces under Section 6.1.4. The bicycle parking requirement will be determined based on the number of motor vehicle parking spaces which have been permitted by the Board of Appeals or Arlington Redevelopment Board, as applicable. The requirements of this section may be modified by the applicable Board if it finds that for the use and location, a modification is appropriate and in the best interest of the town.~~
- B. ~~When bicycle parking is required, there will be one bicycle parking space per 15 motor vehicle spaces under Section 6.1.4. The computed number of bicycle parking spaces will be rounded up to the nearest whole number of bicycle spaces. Bicycle parking spaces shall be provided in addition to motor vehicle parking spaces.~~
- C. ~~When bicycle parking is required, there will be a minimum of two spaces provided, and not more than 20 bicycle spaces will be required at a single site.~~
- D. ~~A bicycle rack or bicycle storage fixture or structure shall accommodate a bicycle six feet in length and two feet wide. Bicycle racks or storage fixtures must be secured against theft by attachment to a permanent surface. Bicycle parking apparatus shall be installed in a manner that will not obstruct pedestrian or motor vehicle traffic.~~
- E. ~~To the extent feasible, bicycle parking shall be separated from motor vehicle parking to minimize the possibility of bicycle or auto damage.~~
- F. ~~The following uses are exempt from bicycle parking requirements: places of worship, cemetery, funeral home, automotive repair shop, car wash, or gas station.~~
- A. Bicycle parking spaces shall be provided for any development subject to Section 3.4, Environmental Design Review and any use requiring eight or more vehicle parking spaces under Section 6.1.4. The Board of Appeals or the Arlington Redevelopment Board, as applicable, may modify the requirements of this Section based on specific conditions unique to the proposal.
- B. When bicycle parking is required long-term and short-term bicycle parking spaces shall be provided:
  - (1) Long-term bicycle parking shall be intended primarily to serve residents, employees, or other persons who would require storage of a bicycle for a substantial portion of the day, for an overnight period, or for multiple days; however, it may serve other bicycle users as needed. Long-term bicycle parking is typically located within an enclosed, limited-access area designed so as to protect bicycles from precipitation and from theft.
  - (2) Short-term bicycle parking shall be intended primarily to serve visitors, such as retail patrons, making trips of up to two hours to a particular use; however, it may serve other

## Zoning Bylaw Amendments to Bicycle Parking

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

bicycle users as needed. Short-term bicycle parking is typically located in a publicly accessible area near pedestrian entrances to the use they are intended to serve.

- C. The minimum number of bicycle parking spaces shall be as set forth in the following table. The computed number of bicycle parking spaces will be rounded up to the nearest whole number. Bicycle parking spaces shall be provided in addition to the off-street parking space requirements of Section 6.1.4.

<u>Use</u>	<u>Minimum Number of Long-Term Bicycle Parking Spaces</u>	<u>Minimum Number of Short-Term Bicycle Parking Spaces</u>
<b><u>Residential Uses</u></b>		
<u>Single-, two-, or three-family dwelling</u>	<u>No minimum</u>	<u>No minimum</u>
<u>Apartment building</u>	<u>1 space per dwelling unit</u>	<u>0.10 spaces per dwelling unit</u>
<u>Assisted living residence</u>	<u>0.5 spaces per dwelling unit</u>	<u>0.05 spaces per dwelling unit</u>
<u>Single-room occupancy building</u>	<u>1 space per dwelling unit</u>	<u>0.10 spaces per dwelling unit</u>
<u>Group home</u>	<u>0.5 spaces per bed</u>	<u>0.05 spaces per bed</u>
<b><u>Business or Industrial Use</u></b>		
<u>Hotel/motel</u>	<u>0.02 spaces per sleeping room</u>	<u>0.05 spaces per sleeping room</u>
<u>Other retail or service use</u>	<u>0.10 spaces per 1,000 sq. ft. of gross floor area</u>	<u>0.60 spaces per 1,000 sq. ft. of gross floor area</u>
<u>Office, business or professional</u>	<u>0.30 spaces per 1,000 sq. ft. of gross floor area</u>	<u>0.50 spaces per 1,000 sq. ft. of gross floor area</u>
<u>Wholesale business and storage</u>	<u>0.80 spaces per 1,000 sq. ft. of gross floor area</u>	<u>0.06 spaces per 1,000 sq. ft. of gross floor area</u>
<u>Manufacturing, Light</u>	<u>0.80 spaces per 1,000 sq. ft. of gross floor area</u>	<u>0.06 spaces per 1,000 sq. ft. of gross floor area</u>
<u>Office, medical or clinic</u>	<u>0.30 spaces per 1,000 sq. ft. of gross floor area</u>	<u>0.50 spaces per 1,000 sq. ft. of gross floor area</u>
<b><u>Institutional, Educational Use</u></b>		
<u>Auto sales, similar retail and service establishments with extensive display areas that are unusually extensive in relation to consumer traffic</u>	<u>0.08 spaces per 1,000 sq. ft. of gross floor area</u>	<u>0.06 spaces per 1,000 sq. ft. of gross floor area</u>
<u>Hospital</u>	<u>0.20 spaces per 1,000 sq. ft. of gross floor area</u>	<u>0.10 spaces per 1,000 sq. ft. of gross floor area</u>
<u>Nursing home</u>	<u>0.5 spaces per bed</u>	<u>0.05 spaces per bed</u>
<u>Non-exempt educational use</u>	<u>0.30 spaces per classroom or 0.015 spaces per auditorium seat, whichever is greater</u>	<u>1.70 spaces per classroom or 0.085 spaces per auditorium seat, whichever is greater</u>
<u>Other school</u>	<u>0.30 spaces per classroom or 0.015 spaces per auditorium seat, whichever is greater</u>	<u>1.70 spaces per classroom or 0.085 spaces per auditorium seat, whichever is greater</u>
<b><u>Public, Recreational or Entertainment</u></b>		
<u>Municipal facility</u>	<u>0.30 spaces per 1,000 sq. ft. of gross floor area</u>	<u>0.50 spaces per 1,000 sq. ft. of gross floor area</u>

## Zoning Bylaw Amendments to Bicycle Parking

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

<u>Use</u>	<u>Minimum Number of Long-Term Bicycle Parking Spaces</u>	<u>Minimum Number of Short-Term Bicycle Parking Spaces</u>
Indoor Motion Picture Theater, restaurant, gymnasium, auditorium or similar place of public assembly with seating facilities	0.20 spaces per 1,000 sq. ft. of gross floor area	1 space per 1,000 sq. ft. of gross floor area
Health club or indoor athletic facility	0.10 spaces per 1,000 sq. ft. of gross floor area	1 space per 1,000 sq. ft. of gross floor area
<u>Utility, Transportation, Communications</u>		
Public utility	0.08 spaces per 1,000 sq. ft. of gross floor area	0.06 spaces per 1,000 sq. ft. of gross floor area
Transportation terminal	0.08 spaces per 1,000 sq. ft. of gross floor area	0.06 spaces per 1,000 sq. ft. of gross floor area
<u>Other Uses</u>		
Mixed-use	Sum of uses computed separately	
Any other use permitted in this Bylaw	Closest similar use as shall be interpreted to be covered by this table, as determined by the Building Inspector	

D. When bicycle parking is required, there shall be a minimum of two spaces provided, and not more than 30 bicycle spaces shall be required at a single site. The first ten bicycle parking spaces shall reduce the minimum number of off-street parking spaces required in Section 6.1.4 by one space. Each additional ten bicycle parking spaces so provided shall further reduce said off-street parking space requirement by one space, to a maximum reduction of 3 off-street parking spaces.

E. The general requirements for bicycle parking shall be:

- (1) A bicycle rack or bicycle storage fixture or structure shall accommodate a bicycle at least six feet in length and two feet wide;
- (2) Bicycle racks or storage fixtures must be secured against theft by attachment to a permanent surface;
- (3) Bicycle parking apparatus shall be installed in a manner that will not obstruct pedestrian or motor vehicle traffic;
- (4) To the extent feasible, bicycle parking shall be separated from motor vehicle parking to minimize the possibility of bicycle or auto damage; and
- (5) Bike racks or posts shall be capable of securing a standard bicycle frame and one wheel using a common U-type security lock without the need to remove either wheel. Bicycle racks designed to hold a bicycle by its front wheel alone shall not be considered to meet the bicycle parking requirements of this Section.

F. Bicycle parking designed in the following manner shall not be permitted, unless otherwise allowed by the Special Permit Granting Authority:

- (1) Storage that requires bicycles to be lying down or requiring a kickstand to remain upright;
- (2) Bicycles that must be hung with one or both wheels suspended in the air; or
- (3) Bicycles that must be lifted off of the ground or floor without any physical assistance.

## Zoning Bylaw Amendments to Bicycle Parking

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

- G. The location of bicycle parking spaces shall follow the following requirements:
- (1) When off-street parking is provided in a garage or is covered, long-term bicycle parking shall be provided in a garage, covered, or inside a building in proportion to the number of garaged or covered off-street parking spaces on the site; and
  - (2) Short-term bicycle parking shall be located within 50 feet of the main entrance of a building or no further away than the nearest off-street parking space, whichever is closer.

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## **Zoning Bylaw Amendments to Correct Citations**

**Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.**

### **ARTICLE 22**

### **ZONING BYLAW AMENDMENT/CORRECTING CITATION ERRORS**

To see if the Town will vote to amend the Zoning Bylaw to correct section references and other typographical errors in;

1. Correcting reference to Section 5.5 in SECTION 3.2.2. POWERS;
2. Correcting reference to Section 5 in SECTION 3.3.4. SPECIAL PERMIT CONDITIONS;
3. Correcting references to Section 8.13 and Section 10.11 in SECTION 3.4.4. ENVIRONMENTAL DESIGN REVIEW STANDARDS;
4. Correcting reference to Section 3.05 in SECTION 5.8.3. APPLICABILITY; and
5. Correcting reference to Section 9.06 in SECTION 5.8.4. PERMITTED USES;

or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

#### **Amend SECTION 3.2.2. POWERS to correct a citation:**

---

- C. To hear and decide, in accordance with the provisions of G.L. c. 40A, § 6, applications for special permits to change, alter, or extend lawfully pre-existing non-conforming uses and structures to the extent allowed by Section ~~5-58.1~~.

#### **Amend SECTION 3.3.4.SPECIAL PERMIT CONDITIONS to correct a citation:**

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- A. Dimensional standards more restrictive than those set forth in Section ~~75~~ of this Bylaw;

#### **Amend SECTION 3.4.4.ENVIRONMENTAL DESIGN REVIEW STANDARDS to correct two citations:**

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- D. Circulation. With respect to vehicular, pedestrian and bicycle circulation, including entrances, ramps, walkways, drives, and parking, special attention shall be given to location and number of access points to the public streets (especially in relation to existing traffic controls and mass transit facilities), width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, access to community facilities, and arrangement of vehicle parking and bicycle parking areas, including bicycle parking spaces required by Section ~~8-136.1.12~~ that are safe and convenient and, insofar as practicable, do not detract from the use and enjoyment of proposed buildings and structures and the neighboring properties.
- E. Surface Water Drainage. Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Available Best Management Practices for the site should be employed, and include site planning to minimize impervious surface and reduce clearing and re-grading. Best Management Practices may include erosion control and stormwater treatment by means of swales, filters, plantings, roof gardens, native vegetation, and leaching catch basins. Stormwater should be treated at least minimally on the development site; that which cannot be handled on site shall be removed from all roofs, canopies, paved and pooling areas and carried away in an underground drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic, and will not create puddles in the paved areas.



## **Zoning Bylaw Amendments to Correct Citations**

**Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.**

In accordance with Section ~~10.11, b3.3.4~~, the Board may require from any applicant, after consultation with the Director of Public Works, security satisfactory to the Board to insure the maintenance of all stormwater facilities such as catch basins, leaching catch basins, detention basins, swales, etc. within the site. The Board may use funds provided by such security to conduct maintenance that the applicant fails to do.

The Board may adjust in its sole discretion the amount and type of financial security such that it is satisfied that the amount is sufficient to provide for the future maintenance needs.

### **Amend SECTION 5.8.3. APPLICABILITY to correct a citation:**

---

#### **5.8.3 Applicability**

Any proposed use to be located within the limits of the Inland Wetland District as determined by the Inspector of Buildings under Section ~~3.053.1~~ of this Bylaw shall be governed by all regulations of this Section as well as all other applicable provisions of this Bylaw.

### **Amend SECTION 5.8.4. PERMITTED USES to correct a citation:**

---

- A. No structure intended for human occupancy or use on a permanent basis having water and sewerage facilities and no other building, wall, dam or structure (except flagpoles, signs, and the like) intended for permanent use shall be erected, constructed, altered, enlarged, or otherwise created or moved for any purpose unless a Special Permit from the ZBA or, in cases subject to Environmental Design Review, a Special Permit from the ARB, is issued. However, a structure existing at the time this Bylaw becomes effective may be reconstructed or repaired after a fire or other casualty, as provided in Section ~~9.06-8.1.8~~ of this Bylaw.

**Zoning Bylaw Amendments to Support the Publication of Supporting Documentation - ZBA**  
**Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.**

**ARTICLE 23**

**ZONING BYLAW AMENDMENT/PUBLICATION  
OF SUPPORTING DOCUMENTATION – ZONING BOARD OF APPEALS**

To see if the Town will vote to require the Zoning Board of Appeals to publish, on the town website, supporting documentation pertaining to items on its agenda; or take any action related thereto.

(Paul Schlichtman and 10 Registered Voters)

**Draft zoning language will be forthcoming by article filer.**

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## **Zoning Bylaw Amendments to the Definition of Story, Half**

**Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.**

### **ARTICLE 24**

### **ZONING BYLAW AMENDMENT/ DEFINITION OF STORY, HALF**

To see if the Town will vote to amend the Zoning Bylaw to amend the definition of Story, Half by amending SECTION 2 DEFINITIONS to reduce the defined height of a half story from 7 feet 3 inches to 7 feet so that the definition reads "Story, Half: A story which is under a gable, hipped, or gambrel roof, where less than one half the floor area measured from the underside of the roof framing to the finished floor below has a clear height of 7 feet or more."

(Inserted at the request of Elizabeth Pyle and 10 registered voters)

#### **Amend Section 2 for definition of Story, Half as follows:**

---

Story, Half: A story which is under a gable, hipped, or gambrel roof, where less than one half the floor area measured from the underside of the roof framing to the finished floor below has a clear height of 7 feet ~~3 inches~~ or more.

## **Zoning Bylaw Amendments to Driveway Slope**

**Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.**

### **ARTICLE 25**

### **ZONING BYLAW AMENDMENT/ DRIVEWAY SLOPE**

To see if the Town will vote to amend the Zoning Bylaw to amend the maximum allowable driveway slope by amending SECTION 6.1.10.A. LOCATION OF PARKING SPACES to require that the maximum allowable driveway slope cannot exceed 15% for the entire length of said driveway so that the provision reads "Any driveway leading to off-street parking on a lot shall not exceed a 15% downward slope for the entire length of said driveway, except by Special Permit."

(Inserted at the request of Elizabeth Pyle and 10 registered voters)

#### **Amend Section 6.1.10(A) as follows:**

- A. Parking in Residential Districts. For single-family, two-family, duplex, and three-family dwellings, off-street parking shall not be permitted in the area between the front lot line and the minimum front setback except on a driveway not exceeding 20 feet in width leading to the required parking space(s). Off-street parking is permitted in (1) the side yard and rear yard on a paved driveway, or in the case of a corner lot of less than 6,000 square feet in the longer of the two front yards, up to a maximum of 24 feet in width, or (2) in an attached or detached garage, or (3) within the foundation of a dwelling provided the garaging is specifically designed for that purpose. ~~Any driveway leading to off-street parking on a lot cannot exceed a 15% downward slope, as measured from the farthest point from the front property line, except by Special Permit.~~ Any driveway leading to off-street parking on a lot shall not exceed a 15% downward slope for the entire length of said driveway, except by Special Permit. A space designed for parking within an existing garage is determined to meet the requirements of an off-street parking space. Side yards used for parking shall have a vegetated buffer when abutting a lot used for residential purposes, to minimize visual impacts.