



Town of Arlington

ARLINGTON REDEVELOPMENT BOARD

2019 Annual Town Meeting Draft Zoning Bylaw Amendments

Public Hearing Draft with Track Changes

Articles 17, 18, 19, 20, and 22

February 27, 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 confirmed.

The draft language of the proposed amendments to the Zoning Bylaw was made available on Thursday, February 14, 2019. Since that date, some revisions have been made, which can be viewed herein in track changes. Copies may be obtained 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. or viewed and downloaded from the Redevelopment Board webpage of the Town's website at www.arlingtonma.gov.

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

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Zoning Bylaw Amendments to the 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 Article 17 Public Hearing Draft with Track Changes, dated February 27, 2019:

<https://www.arlingtonma.gov/Home/ShowDocument?id=45757>

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, telecommunications, 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 uses, such as waterworks, pumping stations, and parks, ~~is~~are 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~~ through the Town of Arlington Bylaw for Wetlands Protection (Title V, Article 8) and the Wetland Protection Regulations promulgated thereunder, 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:

~~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:

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
Residential								
Dormitory (Note: permitted See Section 3.5 if use is for educational or religious purposes)			SP	SP	SP	SP	SP	SP
Institutional, Educational								
Community center, youth club, adult education center, or similar facility operated by a non-profit institution (Note: permitted 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: permitted 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
Residential						
Dormitory (Note: permitted See Section 3.5 if use is for educational or religious purposes.)	Y	Y	Y	Y	Y	Y
Institutional, Educational						
Community center, youth club, adult education center, or similar facility operated by a non-profit institution (Note: permitted 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: permitted 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
Residential					
Dormitory (Note: permitted See Section 3.5 if use is for educational or religious purposes)	SP	SP			
Notes					

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

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:

- 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:

- 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.

Amend SECTION 5.4.2. DIMENSIONAL AND DENSITY REQUIREMENTS to correct dates:

- C. One exception is made for attached single-family dwellings on Sunnyside Avenue, Gardner Street, Silk Street, Marrigan Street, and Fremont Street. Attached single-family dwellings existing ~~in~~ on August 25, 1975, on these streets are permitted as a right.
- D. In the R0, R1 and R2 districts no new licensed nursing home, rest home, convalescent home facilities shall be constructed except at sites whereon these facilities existed as of August 25, 1975. These existing facilities may be reconstructed to meet code requirements in accordance with a special permit under 3.3 and 3.4.