

Public Hearing for Town Meeting Warrant Articles 18, 19, 20, & 22

Arlington Redevelopment Board

March 4, 2019



Article 18: 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.



Article 18: Floodplain District

- Identified as inconsistent during recodification
- Corrections include:
 - Correctly referring to the Town of Arlington Bylaw for Wetlands Protection;
 - Making the section internally consistent with the Zoning Bylaw and the ConCom regulations; and
 - Correcting incorrect section references.
- Does not change the review process of the Conservation Commission.



Article 19: 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.



Article 19: Inland Wetland District

- Identified as inconsistent during recodification
- Corrections include:
 - Correctly referring to the Town of Arlington Bylaw for Wetlands Protection; and
 - Making the section internally consistent with the Zoning Bylaw and the ConCom regulations; and
 - Correcting incorrect section references.
- Does not change the review process of the Conservation Commission.



Article 20: 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.



Article 20: Review of Religious and Educational Uses

- The “Dover Amendment” refers to certain protections that religious, non-profit educational, and childcare facilities receive under the Massachusetts Zoning Act.
- Not clearly described in the Zoning Bylaw.
- Bylaw appears to indicate that a Special Permit is required or the use is prohibited.



Article 20: Review of Religious and Educational Uses

- Creates a new section that outlines the review process:
 - Review by Building Inspector to determine whether the religious, non-profit educational, or child care facility use is protected by MGL c. 40A, Section 3.
 - If so, Department of Planning and Community Development completes an administrative review applying requirements of MGL c. 40A, Section 3 (i.e., reasonable regulations).



Article 20: Review of Religious and Educational Uses

- Reasonable regulation refers to the bulk and height of the structure and in determining yard sizes, lot area, open space, parking, and building coverage requirements.
- Applicant must establish that the application of a given regulation should be waived, reduced, or altered as unreasonable given the specific facts.
- Department must apply those reasonable regulations in accordance with the goals of the Master Plan or other local plans and policies.



Article 22: 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.



Article 22: Correcting Citation Errors

- Five references to the pre-recodification Zoning Bylaw were identified as needing to be corrected.
- Additionally, references to August 28, 1975 need to be updated to refer to the day, not just month and year.



Thank you!

