

From: Patricia Worden <pbworden@hotmail.com>
To: "klau@town.arlington.ma.us" <klau@town.arlington.ma.us>, David Watson
<dwatson.tmm@gmail.com>, "ebenson@town.arlington.ma.us"
<ebenson@town.arlington.ma.us>, "ABunnell@town.arlington.ma.us"
<ABunnell@town.arlington.ma.us>
Cc: "jraitt@town.arlington.ma.us" <jraitt@town.arlington.ma.us>
Date: Mon, 25 Mar 2019 04:38:08 +0000
Subject: Testimony for ARB Hearing 3-25-2019

Dear Arlington Redevelopment Board Members,

Please find attached my Testimony regarding Article 15 (in the Warrant for the 2019 Town Meeting).

Please include the entire attachment for my Testimony (for the ARB Hearing on March 25, 2019).

Please acknowledge receipt.

Thank you,

Patricia B. Worden

I request that you correct the erroneous information currently on the ARB web page regarding the memorandum (also requiring correction) written by Jennifer Raitt describing the decision by the Residential Study Group. It should be made clear that the RSG does NOT support Article 15 and they voted unanimously NOT TO APPROVE IT (see second paragraph of testimony below). It is also important to note that the Building Inspector has stated that the article provisions could not be enforced and he would not conduct enforcement.

**FOLLOWING IS MY TESTIMONY REGARDING
ARTICLE 15 OF THE WARRANT FOR THE 2019 ATM.**

March 23, 2019

Dear Members of the Arlington Redevelopment Board:

Accessory apartments (also known as granny flats, Accessory Dwelling Units -ADUs etc.) have been rejected two times by Arlington and this third effort is disrespectful of our chosen form of Town government and Arlington's citizens. It is a top-down demand from Town officials at the

Department of Planning and Community Development (PD) - not a measure coming from needs expressed by residents and those residents trying to protect residents' quality of life and affordability concerns. The process being followed here is that of more autocratic – not democratic - systems and should be rejected. It lacks transparency. The PD oppose requirement of affordable rents for these units. This is not an Article designed to help those needing affordable rents, It could be very beneficial for realtors and developers. It is hoped that the ARB will agree with the unanimous recommendation of the RSG and vote NO ACTION on Article 15

The protocol deployed by the PD has involved avoidance and distortion of input of the Town-Meeting-established Residential Study Group. This group has the responsibility for reporting on factors affecting our neighborhoods. They are subject to the Open Meeting Law. They were not informed of the decision to place Accessory Apartments on the Warrant for ATM 2019. The Article was written for the ARB by the Metropolitan Area Planning Council (MAPC). A member of the RSG immediately upon finding out about the decision to include the article for the 2019 ATM asked not to go forward with it this year because the RSG was planning to study and report on ADUs during the next year. (ARB Meeting, January 16, 2019) That request was denied. Prior to involving the RSG The PD presented the Article to both the Zoning Bylaw Working Group (ZBLWG) and the Housing Plan Implementation Committee (HPIC) although neither of these groups have the status of a Town Meeting Committee and are not specifically entrusted with neighborhood residential matters. When the RSG met on March 8, 2019 they decided that the Article needed much further work and the Building Inspector who is a member of the group stated that enforcement for Article 15 would be impossible and he would not do it. They decided that ARB should recommend NO ACTION on Article 15. A motion was unanimously approved that THE RSG RECOMMENDS NON-APPROVAL OF ARTICLE 15. As just one example of the many distortions used by the Director of Planning throughout the promotion of MAPC's articles for ATM she has listed the RSG decision on the ARB's web page as "support" for Article 15. In addition in her attached memorandum she simply avoids mentioning the recorded vote of unanimous opposition of the group. As evidence of the decision of the RSG please view the following video of the RSG meeting:

https://www.youtube.com/watch?v=dXp7YMaC6So&feature=player_embedded

The PD never discussed possible unintended consequences or longterm effects on the Town nor how abuses would be dealt with except that they assume that the Town will suddenly be able to handle abuses and code violations in multi unit homes if we just allow this article potentially creating almost five thousand additional units. Arlington is the second most dense Town in Massachusetts – have we studied how to handle increase in density? Essentially the whole neighborhood-residential area of Town will become 2-family – what does that do for diversity? How does it honor the decision and choice of almost half of its residents to live in a single family district. How does it comply with the Zoning By Law’s definition of R0 and R1 Districts which includes the following – “The Town discourages intensive land uses that would detract from the single-family residential character of these neighborhoods.”

The PD claims that their promulgation of this article is based on the Town’s Master Plan and Housing Production Plan (HPP). It is not consistent with the MP which states that “Arlington has done more than most towns to create affordable housing.” The HPP was never approved by Town Meeting. It was written by a regional organization- MAPC and needs to be revised-completely overhauled. When they wrote it in 2016 MAPC apparently did not recognize that Arlington had already reached the statutory requirement of 1.5% of land area level of affordability which gives Arlington immunity from 40B requirements.

Approval of this article even with a restriction of containment in the house envelope as it existed on February 14 of this year would lead to speculative buying and teardowns by developers. That is because developers will hope to exploit the Housing Plan Implementation Committee’s (HPIC) stated plans to continue in the years ahead to seek zoning changes permitting varied accessory units. This group -of which I am a member but I have a dissenting opinion - plans that in addition to ADUs in the main house there will be free standing accessory apartments in the yard - for example in garages, and other separate buildings on the same property with no requirement for affordable rents. One way to stop this rush to change the whole Town with no increase in housing affordability is for the ARB to vote NO ACTION on article 15 or, if that fails, for Town Meeting members to vote NO at the ATM.

Surrounding communities are acutely aware of the degradation of districts that can happen with ADUs and most forbid them. Medford, Somerville,

Woburn, Belmont and Winchester do not allow them. Belmont has an exception for Historic Properties where an ADU can be, e.g., in the carriage house. So Belmont has 2 units - in historic properties ONLY. Some communities which allow ADUs do not allow any rents to be charged. Newton allows ADUs for properties over 25,000 sq ft and Burlington if the property is over 20,000 sq. ft. – in other words on lots around 400 % larger than Arlington lots. There are developers – some right here who say we need change – so go for it - try ADUs – you might like them. Watertown took that advice a few years ago and it turns out that they certainly did NOT like them- so they reversed course and now do not allow them

There are many possible unintended consequences if this article is approved by Town Meeting. The ARB and Planning Dept have addressed NONE of these:

- * They never required rents to be affordable.
- * The ARB have never discussed the extra financial support that Inspectional Services will need to manage abuses. Will they have to hire private investigators or monitor suspect websites or will they depend on complaints from neighbors to find violations?
- .
- * They never addressed any protections from airbnb and short term rentals which are sure to occur. Airbnb rentals in accessory apartments would be huge in an area so convenient to Cambridge and Boston. The ARB's minimum three month stay period is not enough prevent it. They have not required a parking place for ADUs although some of these units may be far from public transportation and on steep hills. Lack of parking will increase pressure for overnight street parking. Possible increases in school population and related costs have not been studied.

Most people in Arlington have bought houses with expectation of fairly stable situation and safety for their children –not expecting constant turnover of new tenants in their neighborhood like you might find in big city apartments. It would be a worry for parents of young children who need to know who's in the neighborhood when their children play outside or for grandparents like me when grandchildren stay over.

This push for ADUs ignores the fact that right now any homeowners can accommodate others who need temporary housing without any requirement for an accessory apartment. If we need to we can even install a bathroom, extra walls and entrance, microwave and appliances, just not a stove—but everything else. Many of my friends here have had needy family members and others stay in their homes for various periods. We have done so. We had my sister and her family stay with us for a lengthy period after a messy divorce in a foreign country. A few years later after he graduated from MIT one of our sons and his girlfriend moved in with us for five years. Inspectional services provides information to anyone needing to do house alterations.

Perhaps most disturbing of all in the promulgation of this Article is the bizarre lack of compliance with established and legally acceptable procedures of the Town and its Town Meeting form of government and in some cases with the Open Meeting Law. This is compounded by the direct involvement of MAPC and CHAPA and lack of appropriate record of this involvement and that of other persons and realtors as would be expected if the Open Meeting Law is being correctly observed.

Patricia B. Worden
Former Chair of Arlington Housing Authority
Town Meeting Member, Precinct 8