

111 Sunnyside Avenue
Arlington, MA 02474
December 30, 2019

Arlington Redevelopment Board

Arlington Town Hall Annex
730 Mass Ave.
Arlington, MA 02476

Dear Arlington Redevelopment Board:

I'm writing in regard to Christopher Loretto's open forum remarks to the board, dated July 22, 2019, which appear in the packet for the Board's Dec 2, 2019 meeting. Mr. Loretto states

For the minimum Landscaped and Usable Open Space Requirements, add a note that the required percentages are based on "Percent of Gross Floor Area".

As a former member of the Zoning Recodification Working Group, I agree with Mr. Loretto's proposal: the dimensional and density tables in sections 5.4.2, 5.5.2, and 5.6.2 should state that open space requirements are based on the percentage of gross floor area. The failure to include this qualification was an error of omission that occurred during recodification.

While we are on the topic of open space regulations, I would like to request an additional change in this area: that the terms "Open Space", "Open Space, Landscaped", and "Open Space, Usable" (as appearing in Section 2 – Definitions) be renamed to "Private Open Space", "Private Open Space, Landscaped", and "Private Open Space, Usable". Please note that while I am proposing a renaming of terms, I am not proposing any changes to the definitions themselves. My rationale for this proposal is as follows:

Arlington's Zoning Bylaw uses the words "open space" in two different contexts, with two different meanings. The first use comes from the Open Space (OS) district, which our bylaw defines as

... parcels under the jurisdiction of the Park and Recreation Commission, Conservation Commission, Arlington Redevelopment Board, Massachusetts Department of Conservation and Recreation (DCR), or Massachusetts Bay Transportation Authority (MBTA). Structures, where present, are clearly accessory to the principal open space and recreation functions of the property.¹

By this definition, parcels in the OS district are public property, and any structures must be accessory to the primary use of "open space". Where the OS district is concerned, open space is generally green space and provides a public benefit.

¹ Arlington Zoning Bylaw, Section 5.6.1(E).

The Section 2 definitions related to open space have different meanings. I'd like to unpack these definitions one at a time. Section 2 defines Open Space as

A yard including sidewalks, swimming pools, terraced areas, decks, patios, play courts, and playground facilities; and not devoted to streets, driveways, off-street parking or loading spaces, or other paved areas.

where the term “yard” is defined as follows:

An open space unobstructed from the ground up, on the same lot with a principal building, extending along a lot line or front lot line and inward to the principal building.

According to these definitions, Open Space is a portion of a lot, and an adjunct to a principal building. Where the principal building is privately-owned, the open space (“yard”) will also be privately-owned; unlike open space in an Open Space District, it is not a public benefit.

While the definition does not preclude green spaces, it does not require open spaces to be green, or even pervious. Decks, patios, sidewalks, swimming pools, and play courts are explicitly named as examples of what Open Space can be.

None of the dimensional regulations in Section 5 are based on this definition of Open Space; that definition merely provides a framing for “Open Space, Usable”, and “Open Space, Landscaped” which do appear in the dimensional tables.

Open Space, Usable is

The part or parts of a lot designed and developed for outdoor use by the occupants of the lot for recreation, including swimming pools, tennis courts, or similar facilities, or for garden or for household service activities such as clothes drying; which space is at least 75% open to the sky, free of automotive traffic and parking, and readily accessible by all those for whom it is required.

Thus, the primary function of Usable Open Space is “outdoor use” for “recreation” and “garden” or “household service activities” by “occupants of the lot”. This type of open space is explicitly intended for private use. While the definition does not preclude green or pervious spaces, it certainly does not require them.

Finally, we have 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, 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.

Landscaped Open Space is arguably the form of open space that's most oriented to greenery and vegetation, but the definition stops short of making this a requirement – it's not necessarily green

space.

In summary, I believe that the Open Space District satisfies the common-language expectations of what people understand open space to be, but the Open Space definitions in Section 2 do not. In my experience, the definitions and associated dimensional regulations are a frequent source of confusion. Using the terms “Private Open Space”, “Private Open Space, Usable”, and “Private Open Space, Landscaped” is unlikely to completely eliminate this confusion, but I feel they more accurately represent what the definitions actually mean.

Over the long term, I’d hope that we could reconsider our approach to the dimensional regulation of yards. The Open Space regulations in Section 5 are based on a percentage of gross floor area, which puts them in the awkward position of trying to simultaneously regulate massing and the portion of a lot which is unpaved and uncovered by structures. I believe it would be clearer and more straightforward to regulate these factors independently (for example, by using height, setbacks, and floor area ratio to regulate massing, in conjunction with lot coverage and limitations on impervious surfaces to regulate the portion uncovered by structures).

Thank you for your time and consideration.

Sincerely,

Stephen A. Revilak