



## **Town of Arlington, MA Redevelopment Board**

### **Agenda & Meeting Notice March 2, 2020**

The Arlington Redevelopment Board will meet Monday, March 2, 2020 at 7:30 PM in the **Senior Center, Main Room, 1st Floor, 27 Maple Street, Arlington, MA 02476**

#### **1. Warrant Article Public Hearings 2020 Annual Town Meeting**

**Beginning at  
7:30 p.m.**

**ARTICLE 34 ZONING BYLAW AMENDMENT/CLARIFICATION OF DEFINITION OF MIXED USE** To see if the Town will vote to amend the definition of Mixed Use in the Zoning Bylaw to clarify that as enacted by Town Meeting, land uses individually prohibited in any particular zoning district are also prohibited as part of Mixed Use developments in the same zoning district; or take any action related thereto. (Inserted at the request of Christopher Loreti and 10 registered voters)

**ARTICLE 28 ZONING BYLAW AMENDMENT/CONVERSION OF COMMERCIAL TO RESIDENTIAL** To see if the Town will vote to amend Section 5.2.4 the Zoning Bylaw, by inserting in the last sentence of said section, after the word footprint, the words "if allowed by special permit" and by inserting, after the words residential use, the words "provided that the addition or expansion is for affordable housing" so that said sentence will read as follows: In the case of an existing commercial use, the addition or expansion of residential use within the building footprint if allowed by special permit shall not require adherence to setback regulations for residential uses, provided that the addition or expansion is for affordable housing, even if the residential use becomes the principal use of the building; or take any action relating thereto. (Inserted at the request of John L. Worden III and 10 registered voters)

**ARTICLE 43 ZONING BYLAW AMENDMENT/PARKING REDUCTIONS IN THE B3 AND B5 DISTRICTS** To see if the Town will vote to amend the Zoning Bylaw to allow the Board of Appeals or Arlington Redevelopment Board, as applicable, to reduce the parking requirement as low as zero in the B3 and B5 Districts through Special Permit where businesses have no ability to create new parking by amending 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)

#### **ARTICLE 35 ZONING BYLAW AMENDMENT/PARKING REQUIREMENTS**

To see if the Town will support allowing the Arlington Redevelopment

Board and the Zoning Board of Appeals to reduce parking requirements for applicants in the B3 or B5 Zoning Districts to zero; or take any action related thereto.

(Inserted at the request of Gami Maislin and 10 registered voters)

#### **ARTICLE 36 ZONING BYLAW AMENDMENT/PARKING REGULATIONS**

To see if the Town Meeting will vote to amend Section 6.1 of the current Zoning Bylaw regarding off-street parking to encourage new businesses such as restaurants; or take any action related thereto. (Inserted at the request of Marvin Lewiton and 10 registered voters)

- A brief introductory presentation will be provided for each article
- Board members and members of the public will be provided time to ask questions and comment for each article

#### **2. Organizational meeting – ARB Rules and Regulations Rule 2 - Board Officers**

Board will elect a Chairperson and a Vice Chairperson

#### **3. Director's Updates**

Director will provide staff updates at meeting

#### **4. Open Forum**

Except in unusual circumstances, any matter presented for consideration of the Board shall neither be acted upon, nor a decision made the night of the presentation. There is a three minute time limit to present a concern or request.

#### **5. Adjourn**

Estimated 10:00 p.m. – Adjourn

#### **6. Correspondence received**

Correspondence received from:

E. Welton 02-25-20

R. Annese 02-25-20



## Town of Arlington, Massachusetts

---

### Warrant Article Public Hearings 2020 Annual Town Meeting

#### Summary:

Beginning at  
7:30 p.m.

**ARTICLE 34 ZONING BYLAW AMENDMENT/CLARIFICATION OF DEFINITION OF MIXED USE** To see if the Town will vote to amend the definition of Mixed Use in the Zoning Bylaw to clarify that as enacted by Town Meeting, land uses individually prohibited in any particular zoning district are also prohibited as part of Mixed Use developments in the same zoning district; or take any action related thereto. (Inserted at the request of Christopher Loreti and 10 registered voters)

**ARTICLE 28 ZONING BYLAW AMENDMENT/CONVERSION OF COMMERCIAL TO RESIDENTIAL** To see if the Town will vote to amend Section 5.2.4 the Zoning Bylaw, by inserting in the last sentence of said section, after the word footprint, the words "if allowed by special permit" and by inserting, after the words residential use, the words "provided that the addition or expansion is for affordable housing" so that said sentence will read as follows: In the case of an existing commercial use, the addition or expansion of residential use within the building footprint if allowed by special permit shall not require adherence to setback regulations for residential uses, provided that the addition or expansion is for affordable housing, even if the residential use becomes the principal use of the building; or take any action relating thereto. (Inserted at the request of John L. Worden III and 10 registered voters)

**ARTICLE 43 ZONING BYLAW AMENDMENT/PARKING REDUCTIONS IN THE B3 AND B5 DISTRICTS** To see if the Town will vote to amend the Zoning Bylaw to allow the Board of Appeals or Arlington Redevelopment Board, as applicable, to reduce the parking requirement as low as zero in the B3 and B5 Districts through Special Permit where businesses have no ability to create new parking by amending 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)

**ARTICLE 35 ZONING BYLAW AMENDMENT/PARKING REQUIREMENTS** To see if the Town will support allowing the Arlington Redevelopment Board and the Zoning Board of Appeals to reduce parking requirements for applicants in the B3 or B5 Zoning Districts to zero; or take any action related thereto. (Inserted at the request of Gami Maislin and 10 registered voters)

**ARTICLE 36 ZONING BYLAW AMENDMENT/PARKING REGULATIONS** To see if the Town Meeting will vote to amend Section 6.1 of the current Zoning Bylaw regarding off-street parking to encourage new businesses such as restaurants; or take any action related thereto. (Inserted at the request of Marvin Lewiton and 10 registered voters)

- A brief introductory presentation will be provided for each article
- Board members and members of the public will be provided time to ask questions and comment for each article

#### ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	Memo_to_ARB_regarding_Warrant_Articles_34__28__43__35__36_.pdf	Memo to ARB regarding Warrant Articles 34, 28, 43, 35, 36
▢ Reference Material	Article_34_Supporting_Material.pdf	Article 34 Supporting Material
▢ Reference Material	Article_36_Supporting_Material.pdf	Article 36 Supporting Material





**TOWN OF ARLINGTON**  
DEPARTMENT OF PLANNING and  
COMMUNITY DEVELOPMENT

TOWN HALL, 730 MASSACHUSETTS AVENUE  
ARLINGTON, MASSACHUSETTS 02476  
TELEPHONE 781-316-3090

**MEMORANDUM**

To: Arlington Redevelopment Board

From: Jennifer Raitt, Director, Planning and Community Development  
Erin Zwirko, Assistant Director, Planning and Community Development

Date: February 27, 2020

RE: Review of Warrant Articles 34, 28, 43, 35, 36 for 2020 Annual Town Meeting

---

Staff reviewed the following Warrant Articles to provide the Board with information for further consideration as part of the public hearing and review process. There are five articles with public hearings for the evening of March 2<sup>nd</sup>. This memo provides information about each article being reviewed, including any additional information provided by the petitioner, and additional factors for the Board's consideration.

A Warrant Article to amend the Zoning Bylaw has been submitted by Christopher Loreti and 10 registered voters:

**Article 34**

**ZONING BYLAW AMENDMENT/ CLARIFICATION OF ZONING BYLAW  
DEFINITION OF MIXED-USE**

To see if the Town will vote to amend the definition of Mixed-use in the Zoning Bylaw to clarify that as enacted by Town Meeting, land uses individually prohibited in any particular Zoning District are also prohibited as part of Mixed-use developments in the same Zoning District; or take any action related thereto.

(Inserted at the request of Christopher Loreti and ten registered voters)

Mr. Loreti provides the following amendment:

That the definition of "Mixed-Use" in Section 2 of the Town of Arlington Zoning Bylaw is hereby amended by inserting immediately before the concluding period the words:

"provided that any such distinct land uses are not otherwise prohibited by this bylaw as individual land uses in the same same Zoning District" such that the revised definition reads in its entirety:

Mixed-Use: A combination of two or more distinct land uses, such as commercial, lodging, research, cultural, artistic/creative production, artisanal fabrication, residential in a single multi-story structure to maximize space usage and promote a vibrant, pedestrian-oriented live-work environment provided that any such distinct land uses are not otherwise prohibited by this bylaw as individual land uses in the same Zoning District.

The staff provides the following additional considerations relevant to this article:

- **Predictability of uses** – Requiring that the uses in a mixed-use structure are only those that are allowed in the applicable Zoning District may provide some predictability in any mixed-use proposal. This may be seen as a benefit for developers and abutters. While predictability is fundamentally important as part of any permitting process, this Warrant Article could limit flexibility in creating beneficial and creative projects that also fulfill community goals. Mixed-use projects are reviewed by the Redevelopment Board through a discretionary Special Permit process. Compatibility of proposed uses is considered in relationship to the surrounding neighborhood as part of that process. Further, the Town regulates vacant commercial properties. This Warrant Article could have a negative impact on both filling those spaces and expanding them by creating more use restrictions.
- **Very few instances where uses of underlying districts could potentially be in conflict** – In Arlington, there are nine instances where a neighborhood block of on average 390 linear feet (approximately 4 to 5 buildings) is split by two or more different Business Zoning Districts:
  - Mass Ave between Clark Street and Forest Street (B2 and B4)
  - Mass Ave between Fessenden Road and Quincy Street (B1 and B4);
  - Mass Ave between Quincy Street and Robbins Road (B1 and B4);
  - Both sides of Mass Ave between Pond Lane and Wyman Street (B1 and B2);
  - Mass Ave between Wyman Terrace and Linwood Street (B1, B2A, and B4);
  - Mass Ave between Foster Street and Tufts Street (B1 and B4);
  - Mass Ave at Lafayette Street (B1, B2A, and B4); and
  - Broadway at Sunnyside Avenue (B2A and B4).

These blocks contain multiple lots and are owned by multiple property owners. Assembling parcels for potentially larger-scale development is challenging and not always possible, further limiting the instances of potentially conflict of uses. Note there are instances where neighborhood blocks are split by Residential and Business Districts; mixed-use is not an allowed use in the Residential Districts.

In the instances noted above, B1 differs the most from B4, but B2A allows more uses and the most different uses in comparison to B1 or B4. The most different uses could be considered auto repair shop (allowed by Special Permit in the B4 district) and a funeral home (allowed by-right in the B1 district, allowed by Special Permit in the B2A district, and not allowed in the B4 district). This combination of uses, although not expressly permitted in these districts could be considered mixed-use under the existing Zoning Bylaw. However, because this is always a Special Permit process as noted in the point above, the Board would need to make a determination that would allow such a combination of uses to proceed while staying in compliance with the Special Permit criteria that protects the integrity of character of the Zoning District or neighboring Districts established as part of the Environmental Design Review.

- **Consistency with the Master Plan** – The Master Plan recommends supporting vibrant commercial areas by encouraging mixed-use redevelopment. By limiting the uses that could be considered as part of a mixed-use development, this Warrant Article is not consistent with the goals of the Master Plan. Further limiting development and mixture of uses is not in keeping with the Town's desire to increase its tax base; this Warrant Article could have a deleterious effect on future development in Arlington.

A Warrant Article to amend the Zoning Bylaw has been submitted by John L. Worden III and 10 registered voters:

**Article 28 ZONING BYLAW AMENDMENT/ CONVERSION OF COMMERCIAL TO RESIDENTIAL**

To see if the Town will vote to amend the Zoning Bylaw in section 5.2.4, by inserting in the last sentence of said section, after the word *footprint*, the words “if allowed by special permit” and by inserting, after the words *residential use*, the words “provided that the addition or expansion is for affordable housing” so that said sentence will read as follows:

In the case of an existing commercial use, the addition or expansion of residential use within the building footprint if allowed by special permit shall not require adherence to setback regulations for residential uses, provided that the addition or expansion is for affordable housing, even if the residential use becomes the principal use of the building; or take any action related thereto.

(Inserted at the request of John L. Worden III and ten registered voters)

Mr. Worden’s proposed amendment is embedded in the Warrant Article. He provided the following commentary with his article submission:

Under the law as it presently stands, a mixed-use building, with its minimal setbacks could be converted entirely into residential uses, by right. Since the only kind of additional housing that Arlington needs is affordable housing, the ability to do that would be limited under this amendment, and subject to public review.

The staff provides the following additional considerations relevant to this article:

- **Chilling effect on property reinvestment** – This Warrant Article mandates the creation of only affordable housing in certain mixed-use developments. Unfortunately, it is unclear how this achieves Arlington’s affordable housing or commercial development goals. Without any incentives, this Warrant Article would appear to deter rather than encourage the creation of affordable housing. This chilling effect is caused by limiting the flexibility property owners currently have in reinvesting in properties in Arlington. If the only option available for residential space is to create affordable housing, a property owner may not be able to balance a pro forma in order to see a return on their investment in their property. It is challenging to create 100% affordable housing, particularly at a smaller scale. Further, the addition of a requirement to seek a Special Permit adds another barrier to property owners reinvesting in buildings in Arlington by creating additional hurdles. Lastly, the seemingly mandatory nature of requiring that one to five units of housing must be affordable in most mixed-use development would be in conflict with the existing Zoning Bylaw’s Inclusionary requirements.
- **Creation of affordable housing** – Private entities create and preserve affordable housing in Arlington. In recent years, inclusionary zoning requirements led to the creation of one new rental housing unit at 483 Summer Street, a mixed-use development. The Housing Corporation of Arlington (HCA) has received Community Preservation Act, Community Development Block Grant, and HOME funds to construct 34 affordable rental units at 19R Park Avenue (Downing Square) and 14 affordable rental units at 117 Broadway, a mixed-use development. HCA previously applied for and received these funds to support the construction of nine affordable rental units at 20 Westminster Avenue, which was granted a Comprehensive Permit by the Zoning Board of Appeals in a R1 District. The Town has a strong commitment to awarding monetary resources to HCA, a mission-driven community development corporation that can

combine resources to create and preserve affordable housing. The Town also has a strong commitment to enforcing the Inclusionary Zoning requirements as projects are permitted.

- **Creation of commercial space** – In the mixed-use projects that received a Special Permit by the ARB, new commercial space has been created. The mixed-use building at 887-889 Massachusetts Avenue replaced an abandoned 1,572 square foot vehicular-oriented structure in the B4 district with 2,477 square feet of modern commercial space and residential homes. The renovation of the mixed-use structure at 925-927 Massachusetts Avenue gained 2 residential units while not losing commercial space. At 117 Broadway, Arlington Eats will move from 1,458 square feet to 2,360 square feet with affordable homes on the upper floors once the new building is constructed. These examples illustrate that mixed-use has created a net gain of commercial space in Arlington while adding needed residential units. This Warrant Article could result in a loss of commercial space and lack of diversity and flexibility of street level uses.
- **Consistency with the Master Plan and Housing Production Plan** – Both the Master Plan and the Housing Production Plan encourage the creation of more affordable housing, which benefits the community and helps achieve goals. However, this Article seems to be at odds with the Master Plan goal of promoting high value mixed-use development through redevelopment incentives. By requiring that all new or expanded housing must be affordable and requiring a Special Permit, the Warrant Article does not appear to be supporting the varied goals of the Master Plan and Housing Production Plan.

A Warrant Article to amend the Zoning Bylaw has been submitted by the Arlington Redevelopment Board:

**Article 43                      ZONING BYLAW AMENDMENT/ REDUCTION OF PARKING REQUIREMENTS  
IN THE B3 AND B5 ZONING DISTRICTS**

To see if the Town will vote to amend the Zoning Bylaw to allow the Board of Appeals or the Arlington Redevelopment Board, as applicable, to reduce the parking requirements as low as zero in the B3 and B5 Districts through Special Permit where the businesses have no ability to create new parking by amending 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)

The text of the amendment follows these additional considerations relevant to this article:

- **Affects B3 and B5 Districts** – The B3 and B5 Zoning Districts make up the three major businesses districts: Capital Square in East Arlington, Arlington Center, and Arlington Heights. In each business district, on-street parking is available and in many cases municipal parking is available. This Article would be to provide the Boards with greater flexibility and case-by-case consideration of parking adjustments beyond the currently allowable parking reduction, especially for a commercial change of use within existing storefronts.
- **Impractical to create parking** – The average lot size in the B3 and B5 Districts is approximately 6,700 square feet. In many cases, the coverage of the lot is at or near 100%. Property owners and business tenants cannot create new parking on lots in the B3 and B5 districts due to these conditions without significant building or lot reconfiguration. In the Historic Preservation Survey Master Plan, it notes that there are many properties protected by the National Register and local historic districts or are listed on the Town’s *Inventory of Historically or Architecturally Significant Buildings in Arlington*, which place the priority on preservation of the building rather than creating new parking. Private on-site parking is an extremely inefficient use of our limited land resources and works against the Town’s commercial development goals. This inability is a barrier for businesses to open in available spaces in Arlington’s core business districts. In the past, the ZBA recognized this barrier and allowed new restaurants to open in spaces where there is no ability to create new parking at 1314 Mass Ave (decision pending), 193-201 Mass Ave, and 190 Mass Ave. Requiring businesses to seek a variance in order to open a business is a high bar, forcing a business owner to take on potential legal and other potentially burdensome pre-development costs. Although not currently able to reduce parking to as low as zero, the ARB recognizes that parking requirements can be satisfied in other ways that are outlined in Section 6.1.5.
- **Requires consideration of Transportation Demand Management (TDM) measures and other options** – Section 6.1.5 allows parking reductions with consideration of shared parking, off-site parking, and TDM measures. Shared parking and TDM measures can help address employee parking and off-site parking can help address customer or visitor parking. These are important measures that need to be evaluated when considering a request to reduce parking requirements in the B3 and B5 districts. Through a Special Permit request, the ARB or ZBA can assess these measures and determine whether it will offset the parking requirements and whether over time there will be a cumulative effect on parking availability in the business districts.

- **Consistency with the Master Plan, Arlington Heights Neighborhood Action Plan, and Sustainable Transportation Plan** – The Master Plan indicates that parking requirements that reflect the actual need for parking should be developed as a way to manage parking in commercial areas (Recommendation 5 of Traffic & Circulation, page 68). The Warrant Article is consistent with this goal and reflective of the fact that meeting the requirements of the existing off-street parking regulations is challenging or impossible in dense business districts, particularly for certain business uses that require higher parking ratios per the existing Zoning Bylaw. The Arlington Heights Neighborhood Action Plan indicates that restaurants are highly desired business for that business district, and this Warrant Article helps to further that goal. A goal of the Sustainable Transportation Plan is to create a vision for all aspects of mobility, including walking, bicycling, public transportation, driving, shared mobility, and micro mobility. This Warrant Article may help encourage business owners to identify other more sustainable mobility options for both customers and employees to access their business, including additional TDM measures.

#### **Amend SECTION 6.1.5:**

##### **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. Methods to reduce parking on site may include but are not limited to:

- A. Shared Parking: To implement shared on-site parking, the applicant shall demonstrate that proposed uses are non-competing. In mixed-use developments, applicants may propose a reduction in parking requirements based on an analysis of peak demand for non-competing uses. In these cases, the parking requirement for the largest of the uses (in terms of parking spaces required) shall be sufficient.
- B. Off-site Parking. An applicant may use off-site parking to satisfy their parking requirements as provided in Section 6.1.10. The applicant shall document efforts to promote use of off-site parking by customers, residents, or employees.
- C. Transportation Demand Management (TDM): Any request for parking reduction must include a plan to reduce demand for parking. TDM provides incentives to reduce the use of Single Occupant Vehicles and encourages the use of public transit, bicycling, walking, and ridesharing. All projects requesting a parking reduction must employ at least three TDM methods described below:
  - (1) Charge for parking on-site;
  - (2) Pay a stipend to workers or residents without cars;
  - (3) Provide preferential parking for carpooling vehicles;
  - (4) Provide a guaranteed emergency ride home;
  - (5) Provide transit pass subsidies;
  - (6) Provide covered bicycle parking and storage;
  - (7) Provide bicycle or car sharing on site;
  - (8) Provide showers for business or industrial uses;
  - (9) Other means acceptable to the applicable Special Permit Granting Authority.

When a business in the B3 or B5 District has no ability to create new parking onsite and there is adequate nearby on-street parking or municipal parking, the Board of Appeals or Arlington

Redevelopment Board, as applicable, may, upon the request of an applicant, reduce to less than 25 percent or eliminate the amount of parking required in the Table of Off-Street Parking Regulations. For these situations, the applicable Special Permit Granting Authority may require the applicant to incorporate methods set forth in subparagraphs A., B., and C of this Section.

A Warrant Article to amend the Zoning Bylaw has been submitted by Gami Maislin and 10 registered voters:

**Article 35                      ZONING BYLAW AMENDMENT/ REDUCTION OF PARKING REQUIREMENTS  
IN THE B3 OR B5 ZONING DISTRICTS**

To see if the Town will vote to amend the Zoning Bylaw for the Town of Arlington to reduce parking requirements for applicants in the B3 or B5 Zoning Districts to zero – especially in support of the new pub; or take any action related thereto.

(Inserted at the request of Gami Maislin and ten registered voters)

Ms. Maislin indicated via email on February 24, 2020, to the Director and Assistant Director of the Department of Planning and Community Development that she is considering withdrawing her article due to the similarity of the Redevelopment Board's Article 43, Parking Reductions in the B3 and B5 Districts. As of the posting deadline of February 27, 2020, the petitioner has not submitted a letter withdrawing her article.

The staff provides the following additional considerations relevant to this article:

- **Scope of Article is similar to the ARB's article** – The primary difference between the petitioners article and the ARB's article is that the petitioner suggests reducing the parking requirements in the B3 and B5 Districts to zero, whereas the ARB article allows the Special Permit granting authority to reduce the parking requirements as low as zero when incorporating other methods to reduce parking on-site identified in Section 6.1.5.
- **Parking as a barrier to opening businesses** – Parking is often a stumbling block when opening a business in any community, especially, when there is a change of use and the new use must comply with the requirements of the Zoning Bylaw. The Petitioner expresses a desire to encourage new businesses such as restaurants, and amending the parking requirements in the B3 and B5 Districts, Arlington's core business districts, could help encourage new businesses by eliminating barriers.
- **Consistency with the Master Plan** – The Master Plan indicates that parking requirements that reflect the actual need for parking should be developed as a way to manage parking in commercial areas (Recommendation 5 of Traffic & Circulation, page 68). The Warrant Article appears to be consistent with this goal and reflective of the fact that meeting the requirements of the off-street parking regulations is difficult in dense business districts.



A Warrant Article to amend the Zoning Bylaw has been submitted by Marvin Lewiton and 10 registered voters:

**Article 36**

**ZONING BYLAW AMENDMENT/ PARKING REGULATIONS**

To see if the Town Meeting will vote to amend Section 6.1 of the current zoning bylaw regarding off-street parking to encourage new businesses such as restaurants; or take any action related thereto.

(Inserted at the request of Marvin Lewiton and ten registered voters)

Mr. Lewiton provides the following commentary with his petition:

The proposed amendment would strike the word “restaurant”, and any reference to restaurants in that section to the bylaw, with the revised wording reading as follows:

Indoor Motion Picture Theater, <del>restaurant</del> , gymnasium, auditorium or similar place of public assembly with seating facilities	1 space per 4 seating capacity- <del>Seasonal outdoor seating for</del> <del>restaurants shall not count toward total</del> <del>seating capacity</del>
---	--

The Arlington Heights business district was established when the primary means of transportation was a streetcar line running down Massachusetts Ave., rather than the widespread use of private automobiles. As such, buildings housing commercial establishments were constructed without consideration for off--street parking. As an example, under the current bylaw, it would be virtually impossible for a new restaurant (or any other new business) to meet this requirement if it was to be situated on the north side of the block bordered by Park Avenue on the West, and Davis Rd. on the East. This situation also applies to other areas of the town.

The wide variety of restaurant choices in Arlington has made the town a destination for residents of nearby communities, as well as providing abundant dining opportunities for residents. Restaurants not only bring in customers of their own, but by drawing in people who may not be familiar with other businesses in the town, can offer increased visibility to these other establishments.

The existing bylaw states: “Off-street parking space shall be provided for every new structure, the enlargement of an existing structure, the development of a new land use, or any change in an existing use in accordance with the Table of Off-Street Parking Regulations, and the other requirements contained in this Section 6.1”

A significant number of restaurants in town do not currently have designated off-street parking, and maintaining the existing bylaw as is would serve as a significant impediment to the opportunity for new ones to open.

The Town has repeatedly expressed a strong desire for three vigorous business districts in East Arlington, Arlington Center, and Arlington Heights. In past years, a number of businesses have closed in the Heights business district, and the current parking bylaw makes it challenging at best for new businesses to enter the area. We believe that changing the existing bylaw would aid in encouraging the growth of additional dining establishments, and help to create a vibrant and diverse commercial community in Arlington.

Please note that the following Arlington restaurants do not have designated off-street parking:

Trattoria Nina	Luigi's Italian Kitchen
Thai E-Sarn	Quebrada Baking
Boston Pizza and Curry	Town Tavern
Boston Pizza	Little Q Hot Pot
Classic Café	Olympic Pizza
Szechuan's Dumpling	AdventurePub
Home Taste	Barismo 11
Arlington House of Pizza	Zhu's Garden
Retro Burger	Thrive Juice Café
Blue Ribbon BBQ	Sugo
Jose's Torta Mexicana	Anthony's East Side Deli
Butternut Bakehouse	Za
Sabzi	Arlington Diner

The staff provides the following additional considerations relevant to this article:

- **Scope of article** – Mr. Lewiton provided information to the staff that indicated his intention is to eliminate the off-street parking requirements for restaurants). Elsewhere in this memo, it has been noted that complying with the off-street parking requirements can be difficult or impossible when the average lot size is relatively small and the lot coverage is at or near to 100%. In comparison to the ARB's Warrant Article, this Warrant Article expands the scope of loosening parking requirements, which would benefit Arlington's business community, but also limits the scope by only eliminating parking requirements for restaurants. While the ARB's Warrant Article is limited to two Zoning Districts, it also allows for oversight and case-by-case decision making and does not limit the type of business that could benefit. Should both this Warrant Article and the ARB's Warrant Article receive favorable recommendations, the combination could have a more meaningful effect on supporting the business community throughout Arlington.
- **Consistency with the Master Plan and Arlington Heights Neighborhood Action Plan** – The Master Plan indicates that parking requirements that reflect the actual need for parking should be developed as a way to manage parking in commercial areas (Recommendation 5 of Traffic & Circulation, page 68). The Warrant Article appears to be consistent with this goal and reflective of the fact that meeting the requirements of the off-street parking regulations is difficult in dense business districts. The Arlington Heights Neighborhood Action Plan indicates that restaurants are highly desired business for that business district, and this Warrant Article helps to further that goal.

**From:** Chris Loreti <cloreti@verizon.net>  
**To:** Erin Zwirko <ezwirko@town.arlington.ma.us>  
Jenny Raitt <jraitt@town.arlington.ma.us>, "abunnell@town.arlington.ma.us"  
**Cc:** <ABunnell@town.arlington.ma.us>, EBenson@town.arlington.ma.us, KLau@town.arlington.ma.us,  
rzsembery@town.arlington.ma.us, "DWatson@town.arlington.ma.us" <DWatson@town.arlington.ma.us>  
**Date:** 02/25/2020 03:03 PM  
**Subject:** Warrant Article - Clarifying Zoning Bylaw Definition of Mixed Use

---

Hello Erin,

You requested that supporting information for Monday's ARB hearing on the subject warrant article be provided to you today. Here is a proposed vote for the ARB as well supporting information demonstrating that this amendment merely codifies the meaning of Mixed-Use as it was presented by the ARB and passed by Town Meeting.

PROPOSED VOTE:

That the definition of "Mixed-Use" in Section 2 of the Town of Arlington Zoning Bylaw is hereby amended by inserting immediately before the concluding period the words:

"provided that any such distinct land uses are not otherwise prohibited by this bylaw as individual land uses in the same same zoning district" such that the revised definition reads in its entirety:

*Mixed-Use: A combination of two or more distinct land uses, such as commercial, lodging, research, cultural, artistic/creative production, artisanal fabrication, residential in a single multi-story structure to maximize space usage and promote a vibrant, pedestrian-oriented live-work environment provided that any such distinct land uses are not otherwise prohibited by this bylaw as individual land uses in the same same zoning district.*

SUPPORTING INFORMATION:

1. Excerpts from the certified transcript of of the 2016 Annual Town Meeting containing the ARB statements that individual uses not allowed in a zoning district could not be allowed as part of Mixed-Use was included in the "Correspondence Received" from me for the ARB's February 24 meeting. Rather than sending it again, I refer the ARB to this link:

<https://arlington.novusagenda.com/agendapublic/AttachmentViewer.ashx?AttachmentID=8009&ItemID=8521>

2. The ARB should view the video of excerpts from the same Town Meeting prior to Monday's hearing. See: <https://youtu.be/1vDEkBYqFOW>

I trust that this email will be posted along with the agenda as part of the meeting materials for this warrant article.

Thank you,

15 of 48

Chris Loreti

**To see if the Town Meeting will vote to amend Section 6.1 of the current zoning bylaw regarding off-street parking to encourage new businesses such as restaurants, or take any action related thereto.**

The proposed amendment would strike the word “restaurant”, and any reference to restaurants in that section to the bylaw, with the revised wording reading as follows:

Indoor Motion Picture Theater,  
~~restaurant~~, gymnasium, auditorium or  
similar place of public assembly with  
seating facilities

1 space per 4 seating capacity.  
~~Seasonal outdoor seating for~~  
~~restaurants shall not count toward total~~  
~~seating capacity~~

The Arlington Heights business district was established when the primary means of transportation was a streetcar line running down Massachusetts Ave., rather than the widespread use of private automobiles. As such, buildings housing commercial establishments were constructed without consideration for off--street parking. As an example, under the current bylaw, it would be virtually impossible for a new restaurant (or any other new business) to meet this requirement if it was to be situated on the north side of the block bordered by Park Avenue on the West, and Davis Rd. on the East. This situation also applies to other areas of the town.

The wide variety of restaurant choices in Arlington has made the town a destination for residents of nearby communities, as well as providing abundant dining opportunities for residents. Restaurants not only bring in customers of their own, but by drawing in people who may not be familiar with other businesses in the town, can offer increased visibility to these other establishments.

The existing bylaw states: “Off-street parking space shall be provided for every new structure, the enlargement of an existing structure, the development of a new land use, or any change in an existing use in accordance with the Table of Off-Street Parking Regulations, and the other requirements contained in this Section 6.1”

A significant number of restaurants in town do not currently have designated off-street parking, and maintaining the existing bylaw as is would serve as a significant impediment to the opportunity for new ones to open.

The Town has repeatedly expressed a strong desire for three vigorous business districts in East Arlington, Arlington Center, and Arlington Heights. In past years, a number of businesses have closed in the Heights business district, and the current parking bylaw makes it challenging at best for new businesses to enter the area. We believe that changing the existing bylaw would aid in encouraging the growth of additional dining establishments, and help to create a vibrant and diverse commercial community in Arlington.

Please note that the following Arlington restaurants do not have designated off-street parking:

Trattoria Nina  
Thai E-Sarn

Boston Pizza and Curry  
Boston Pizza

Classic Café  
Szechuan's Dumpling  
Home Taste  
Arlington House of Pizza  
Retro Burger  
Blue Ribbon BBQ  
Jose's Torta Mexicana  
Butternut Bakehouse  
Sabzi  
Luigi's Italian Kitchen  
Quebrada Baking  
Town Tavern

Little Q Hot Pot  
Olympic Pizza  
AdventurePub  
Barismo 11  
Zhu's Garden  
Thrive Juice Café  
Sugo  
Anthony's East Side Deli  
Za  
Arlington Diner



## Town of Arlington, Massachusetts

---

### Correspondence received

#### Summary:

Correspondence received from:

E. Welton 02-25-20

R. Annese 02-25-20

#### ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	Correspondence_received_from_E._Welton_02-25-20.pdf	Correspondence received from E. Welton 02-25-20
▢	Reference Material	Correspondence_received_from_R._Annese_02-25-20.pdf	Correspondence received from R. Annese 02-25-20
▢	Reference Material	Correspondence_received_from_R._Annese_02-25-20_att._Design_Progress_Package.pdf	Correspondence from R. Annese attached Design Progress Package

**From:** Elise Welton <elise.welton@gmail.com>  
jrait@town.arlington.ma.us, EZwirko@town.arlington.ma.us, DWatson@town.arlington.ma.us,  
**To:** KLau@town.arlington.ma.us, rzsembery@town.arlington.ma.us, ABunnell@town.arlington.ma.us,  
EBenson@town.arlington.ma.us  
**Date:** 02/25/2020 03:16 PM  
**Subject:** Re: Docket 3602

---

Please see the attached letter regarding the 1207-1211 Mass Ave Building Proposal.

Thank you,

--

*Elise Welton, Psy.D.*  
*Clinical Neuropsychology*

**Attachments:**

File: [Letter to Board.docx](#) Size: 15k Content Type: application/vnd.openxmlformats-officedocument.wordprocessingml.document



**From:** "Robert Annese" <law@robertannese.com>  
**To:** "Jennifer Raitt" <JRaitt@town.arlington.ma.us>  
**Date:** 02/25/2020 08:03 AM  
**Subject:** 821 Mass Ave - Updated Design Package

---

Hi Jenny: Here is the package which was given to the Members of the ARB.

Thanks

Bob

**BE AWARE OF WIRE FRAUD – IF YOU RECEIVE AN EMAIL FROM OUR OFFICE REQUESTING THAT YOU WIRE FUNDS, YOU MUST CALL OUR OFFICE AND VERBALLY CONFIRM THE REQUEST PRIOR TO THE TRANSFER OF ANY FUNDS. WIRING INSTRUCTIONS WILL ONLY COME FROM OUR OFFICE. IF YOU RECEIVE INSTRUCTIONS FROM ANY OTHER PARTY (INCLUDING YOUR LENDER) CALL US IMMEDIATELY.**

CONFIDENTIALITY NOTICE: This communication contains privileged and confidential information that is intended for the use of the individual or entity named above, only. If the reader of this communication is not the intended recipient or the employee or agent responsible for delivering to addressee, you are notified that any dissemination or copying of this communication is strictly prohibited. If you received this message in error, please notify the Law Office of Robert J. Annese by phone at (781) 646-4911 and delete this communication from your system.

*Robert J. Annese, Esquire*

*1171 Massachusetts Avenue*

*Arlington, MA 02476*

*Telephone: 781-646-4911*

*Facsimile: 781-646-4910*

[law@robertannese.com](mailto:law@robertannese.com)

**Attachments:**

File: <u><a href="#">19022 200224 Design Progress Package - Updated (No Blue).pdf</a></u>	Size: 11964k	Content Type: application/pdf
---	--------------	-------------------------------

# 821 MASS. AVE

Arlington, MA

# Table of Contents

## Project Schedule

Project Schedule	02
------------------	----

## Existing Conditions

Existing Building Summary	04
Existing Plot Plan	05
Existing Utility Plan	06
Existing Ground Floor Plan	07
Existing Second Floor Plan	08
Existing Third Floor Plan	09
Exterior Photopgraphs	10
Interior Photographs	13

## Renovation Scope

Proposed Building - Scheme 1	17
Proposed Building - Scheme 2	19
Proposed Massing Study	21

# PROJECT SCHEDULE

821 Massachusetts Ave, Arlington MA

January 20 <sup>th</sup>	Cleanout completed
January 25 <sup>th</sup> - 26 <sup>th</sup>	MFDS completed onsite survey and field measurements for existing condition documentation
January 28 <sup>th</sup> - February 2 <sup>nd</sup>	MFDS completed the in-office existing condition drawings
February 3 <sup>rd</sup> - 6 <sup>th</sup>	MFDS collaborated with the Owner to identify the best renovation proposal based on the existing conditions and level of work to be completed.
February 10 <sup>th</sup> - 12 <sup>th</sup>	MFDS drafted conceptual plans for the proposed project
February 19 <sup>th</sup>	Preliminary meeting with the ARB
February 24 <sup>th</sup>	ARB board meeting

**\*Pending ARB board meeting\***

3-4 weeks	<i>Preliminary design &amp; zoning review for proposed new building</i>
6-8 weeks	<i>Schematic design, including conceptual images of design for review</i>
1 week	<i>Additional informal meeting with the ARB &amp; representative from the Building Inspector's office</i>
4-6 weeks	<i>Projected filing date</i>

## PROJECT SCHEDULE

# Existing Conditions



# EXISTING BUILDING SUMMARY

821 Massachusetts Ave, Arlington MA

Zoning District: B4 - Vehicular Oriented Business District

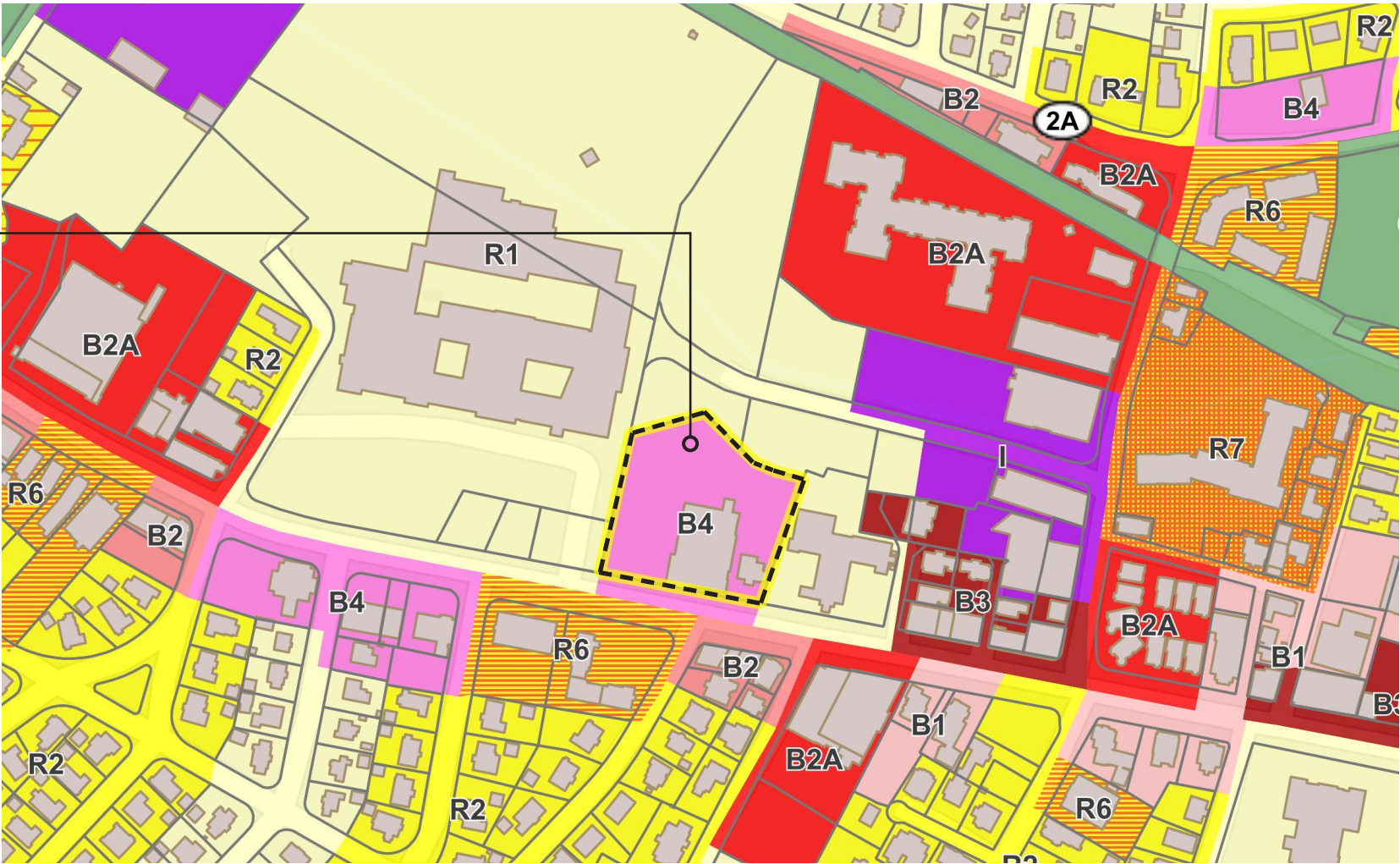
Building Use: Office

Lot Area: 12,990 sq. ft.

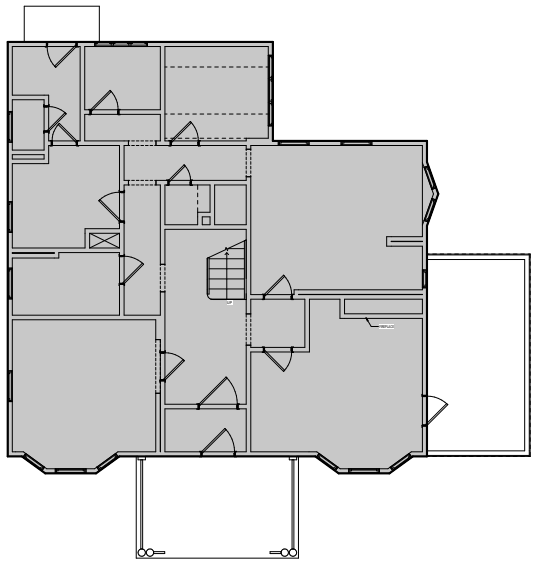
Gross Floor Area: 2,920 sq. ft.

Building Height: 2-1/2 Stories

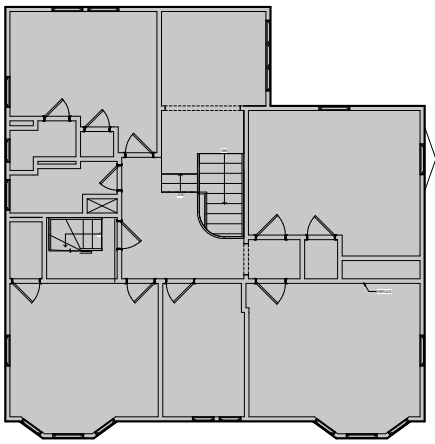
33.3 ft.



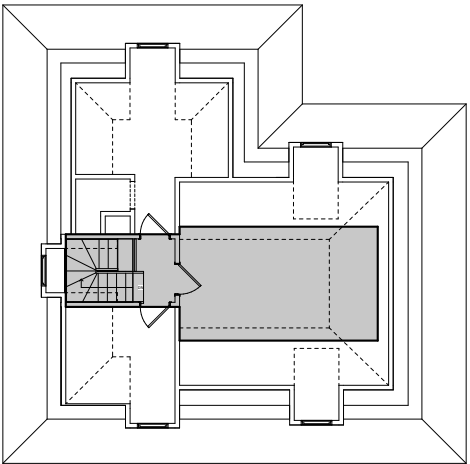
GROSS FLOOR AREA



GROUND FLOOR - GSF



SECOND FLOOR - GSF



THIRD FLOOR - GSF

## EXISTING BUILDING SUMMARY



### 821 MASS. AVE

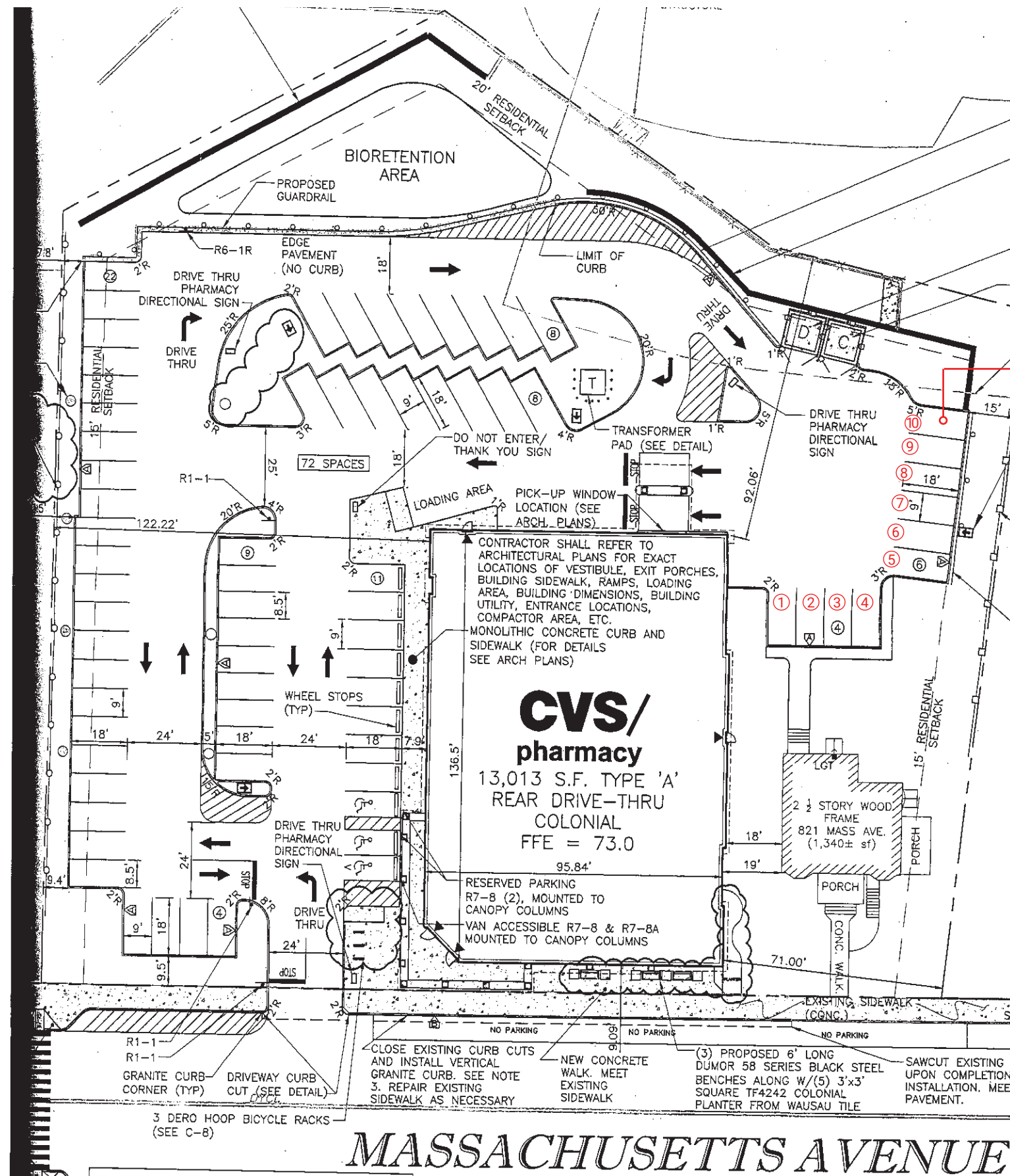
Comprehensive Design Progress Package

02.24.2020 Project Schedule

Existing Conditions

Potential Renovation Scope



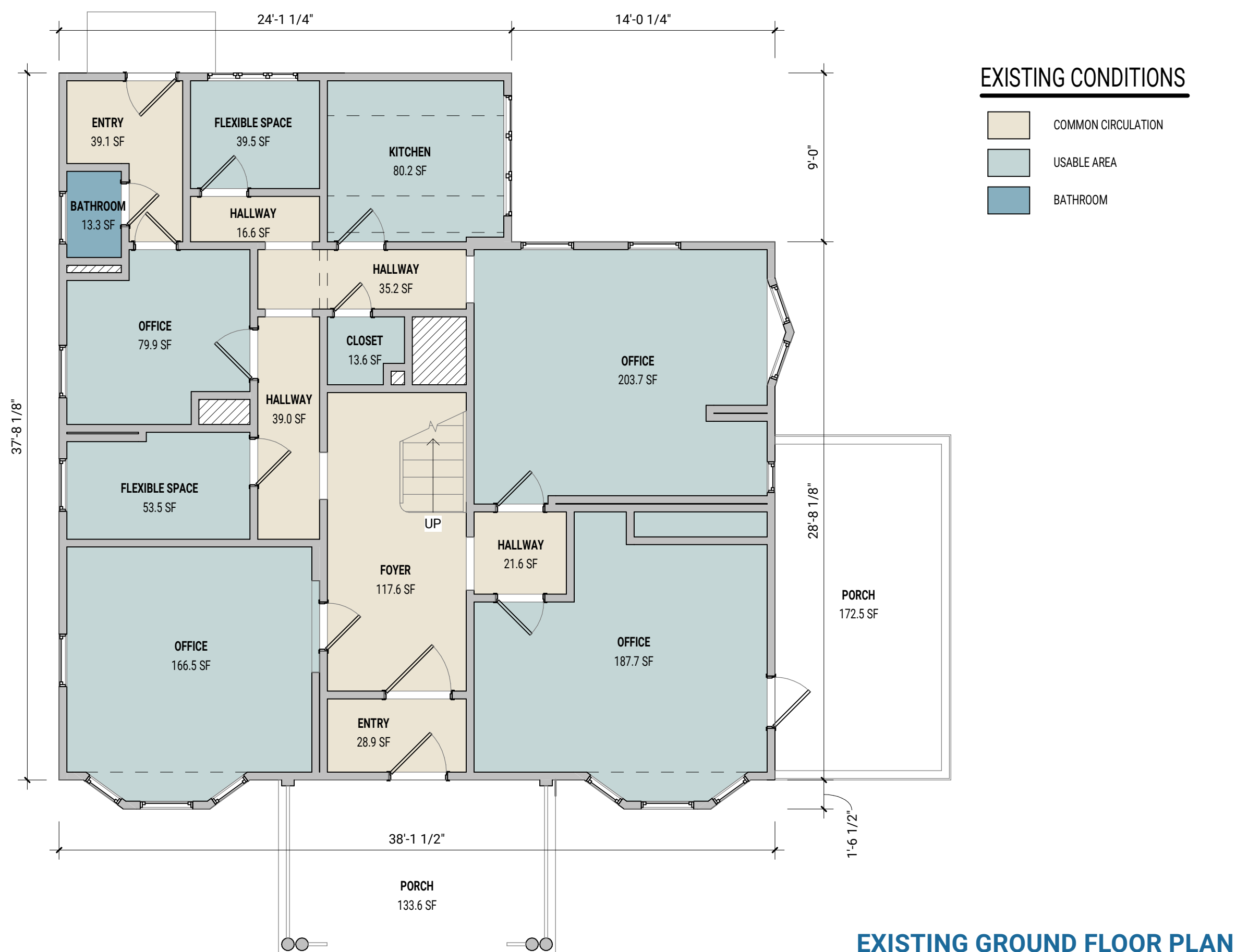


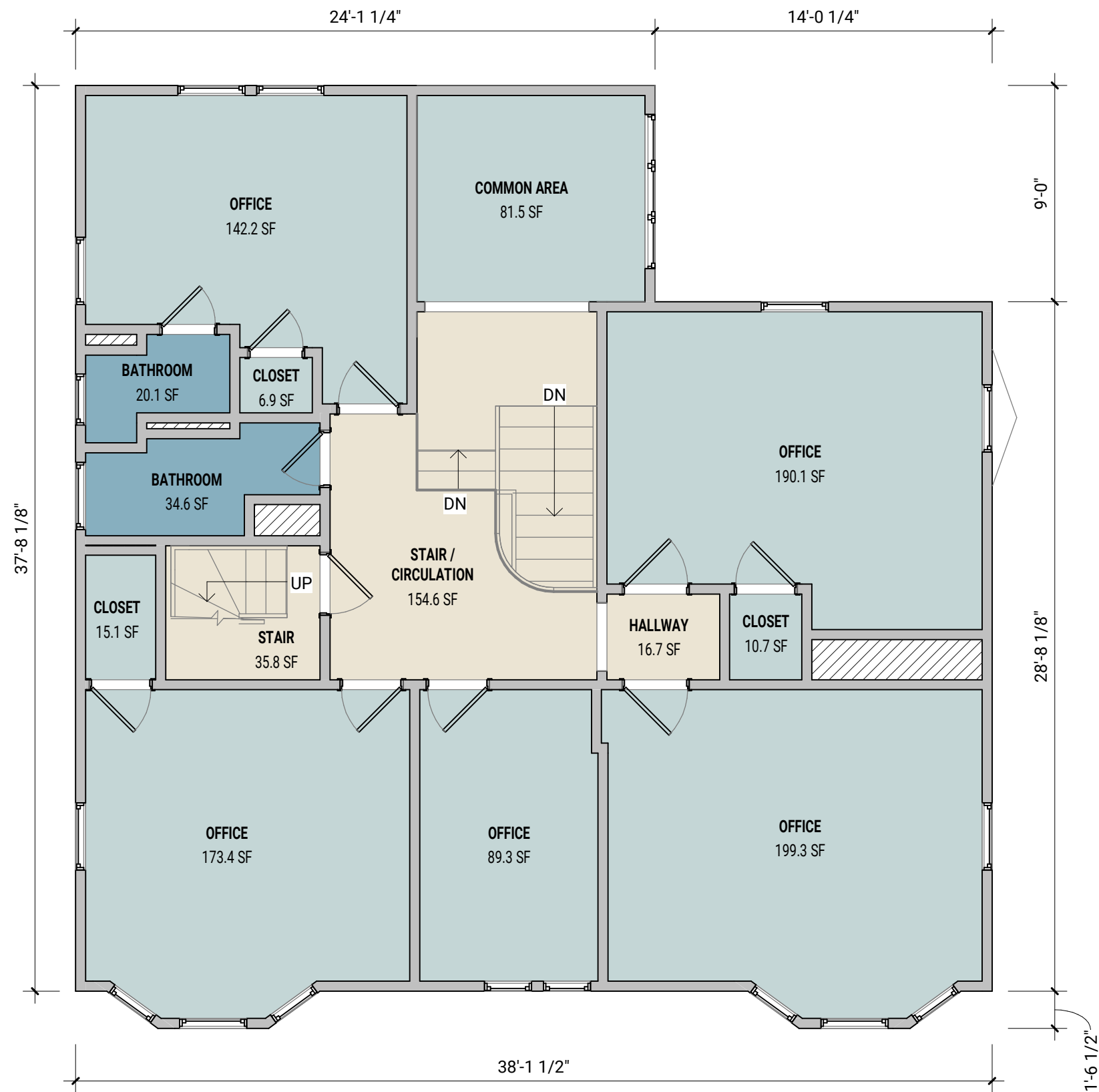
Existing Parking Spaces: 10

## EXISTING PLOT PLAN





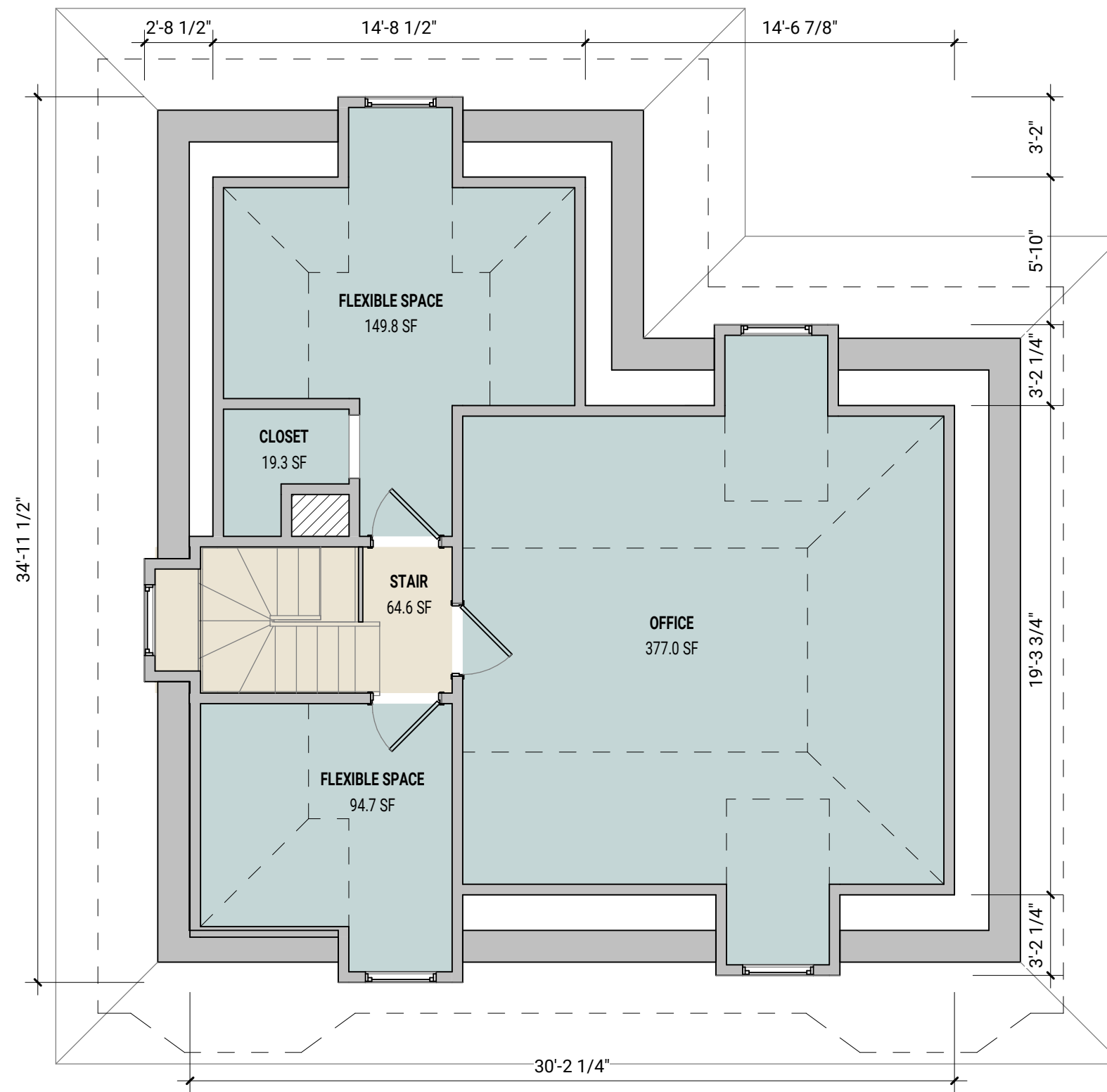




## EXISTING CONDITIONS

- COMMON CIRCULATION
- USABLE AREA
- BATHROOM

## EXISTING SECOND FLOOR PLAN



## EXISTING CONDITIONS

- COMMON CIRCULATION
- USABLE AREA
- BATHROOM

## EXISTING THIRD FLOOR PLAN





## EXTERIOR PHOTOGRAPHS





## EXTERIOR PHOTOGRAPHS





EXTERIOR PHOTOGRAPHS





## INTERIOR PHOTOGRAPHS





## INTERIOR PHOTOGRAPHS



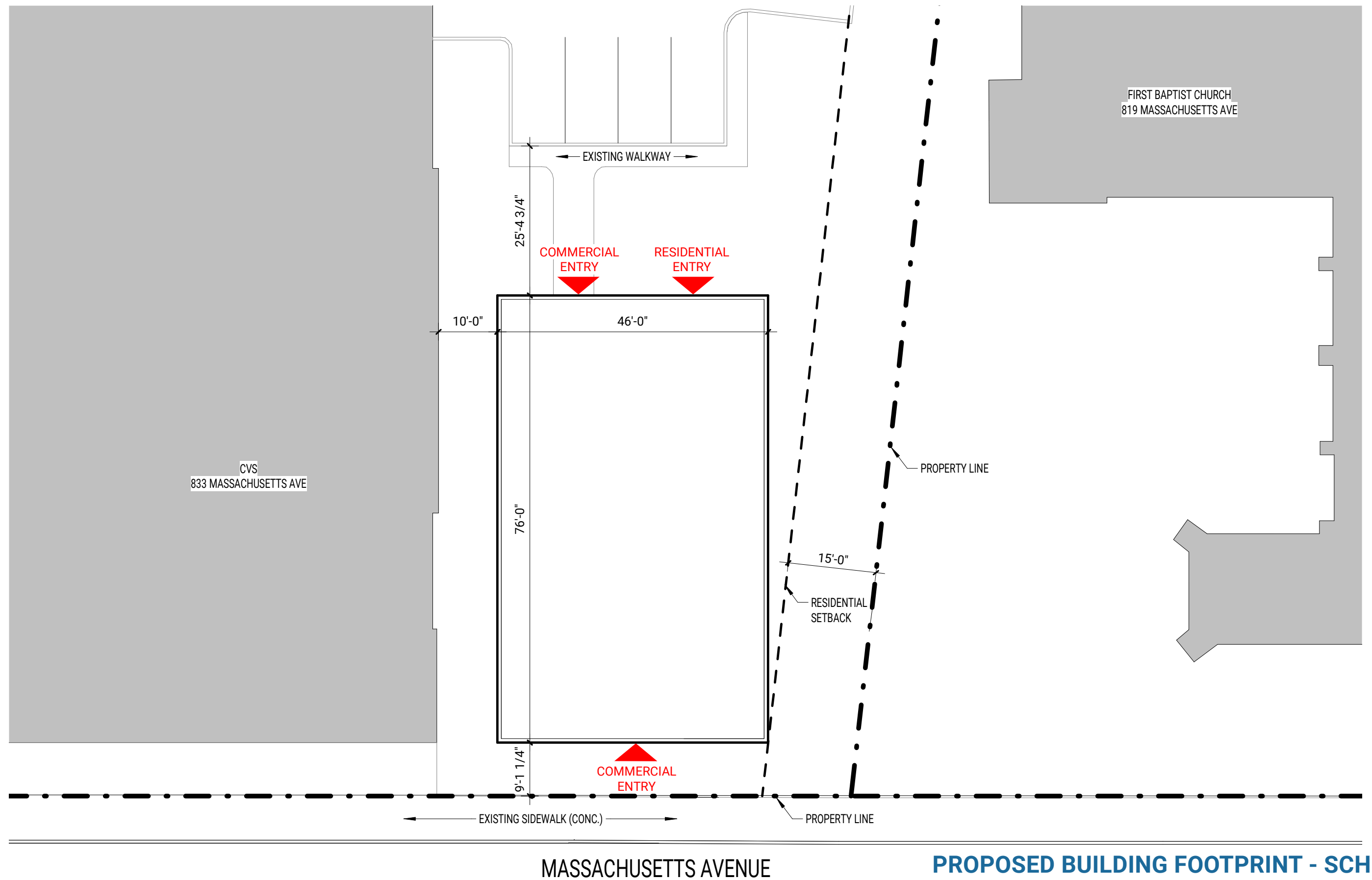


## INTERIOR PHOTOGRAPHS

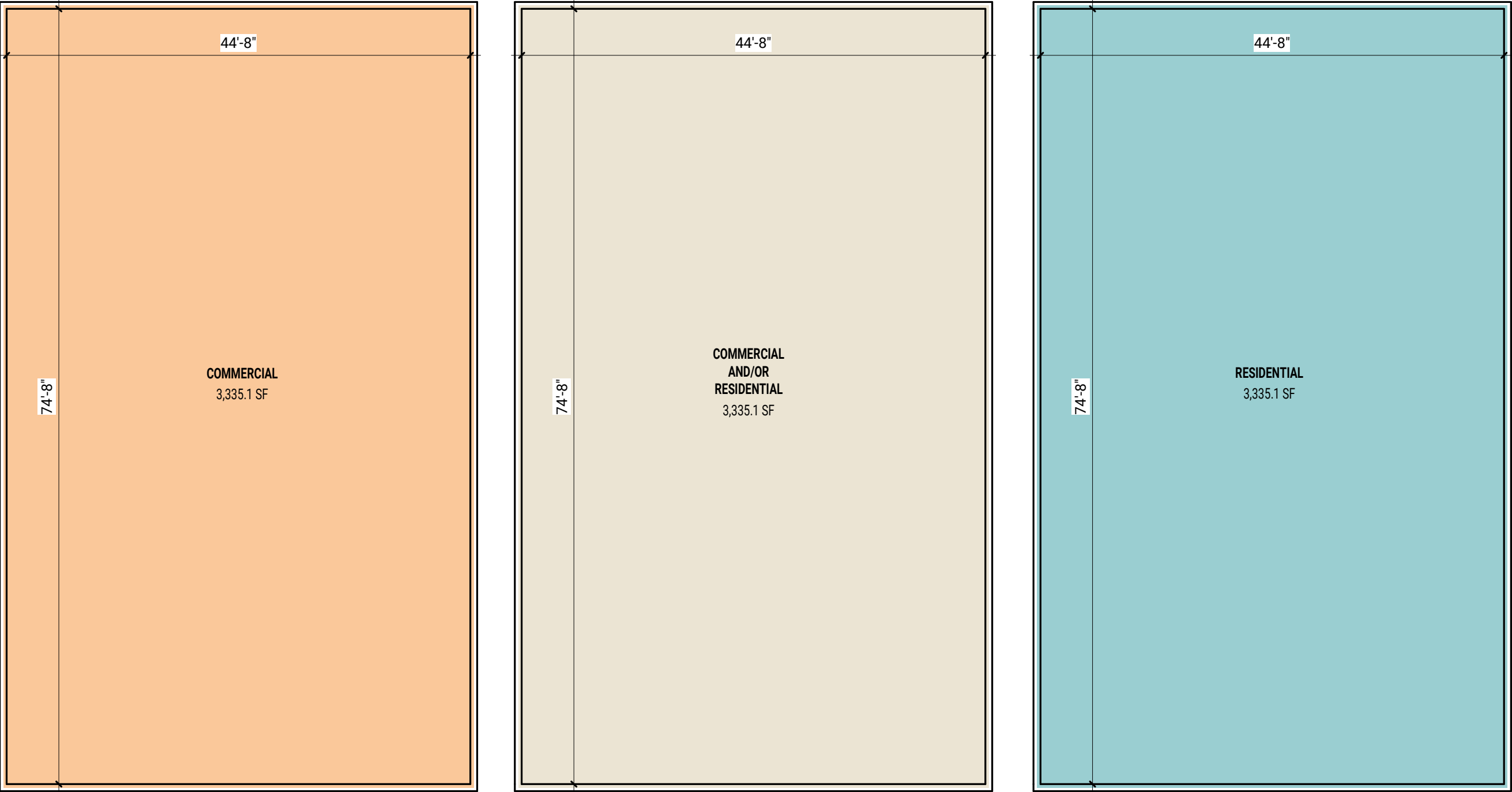
# Renovation Scope







**PROPOSED BUILDING FOOTPRINT - SCHEME 1**



Ground Floor

Second Floor

Third Floor

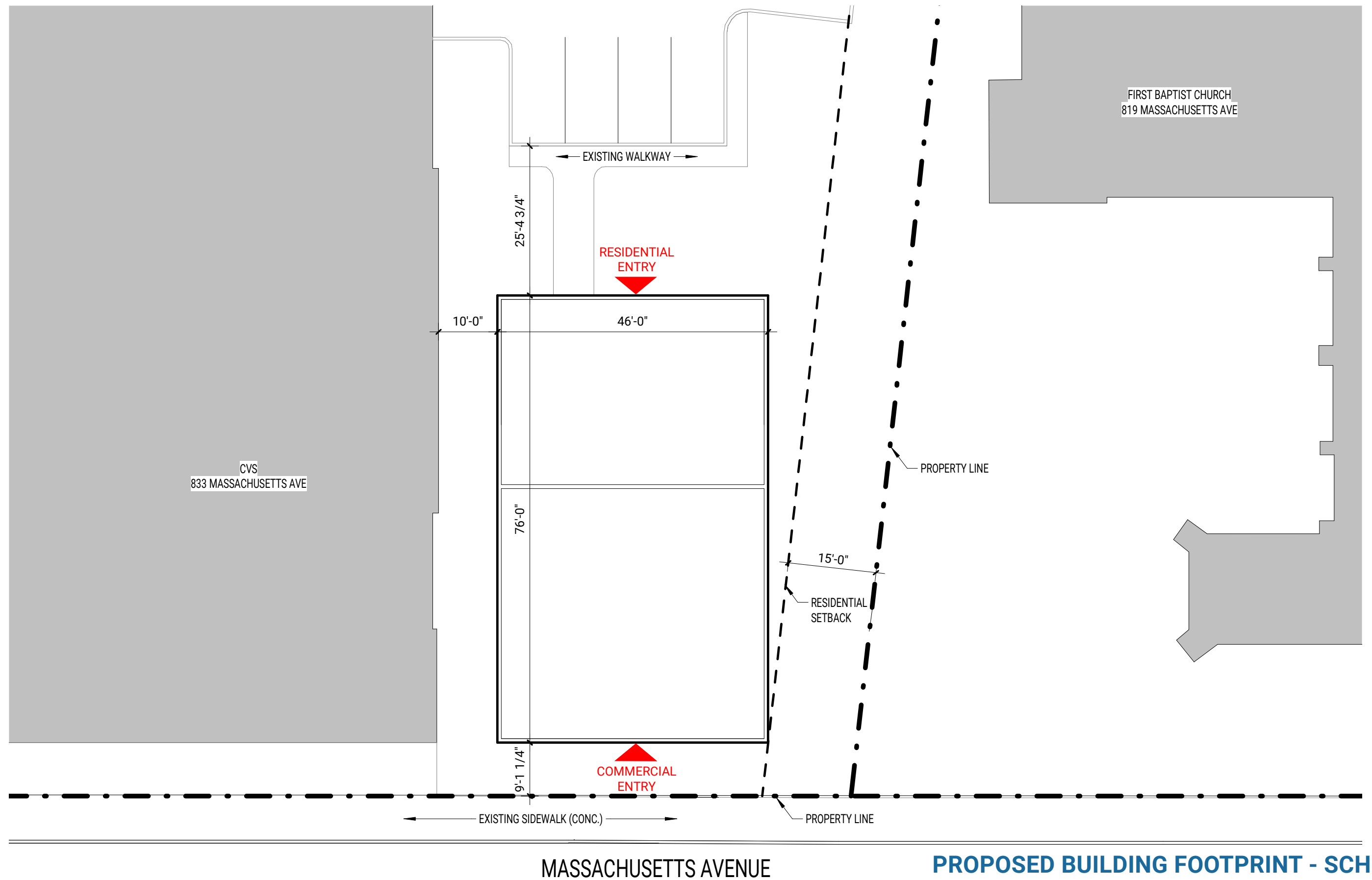
PROPOSED LAYOUT

- COMMERCIAL
- COMMERCIAL AND/OR RESIDENTIAL
- RESIDENTIAL

Gross Floor Area (sq. ft.)

Ground Floor	3,496
Second Floor	3,496
Third Floor	3,496
<b>Total:</b>	<b>10,488</b>

PROPOSED PROGRAM DIAGRAMS - SCHEME 1



**PROPOSED BUILDING FOOTPRINT - SCHEME 2**



Ground Floor

Second Floor

Third Floor

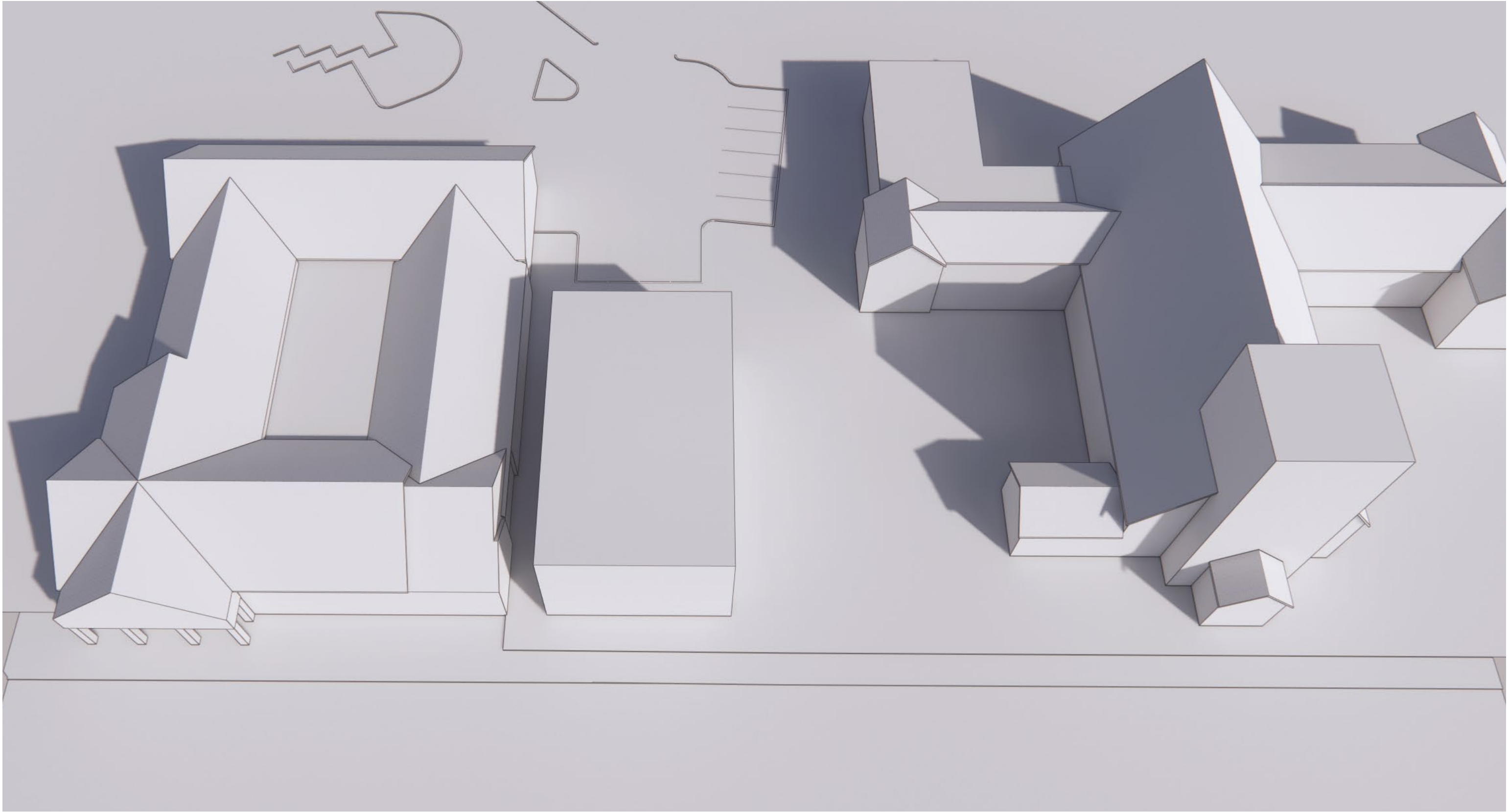
PROPOSED LAYOUT

- COMMERCIAL
- COMMERCIAL AND/OR RESIDENTIAL
- RESIDENTIAL

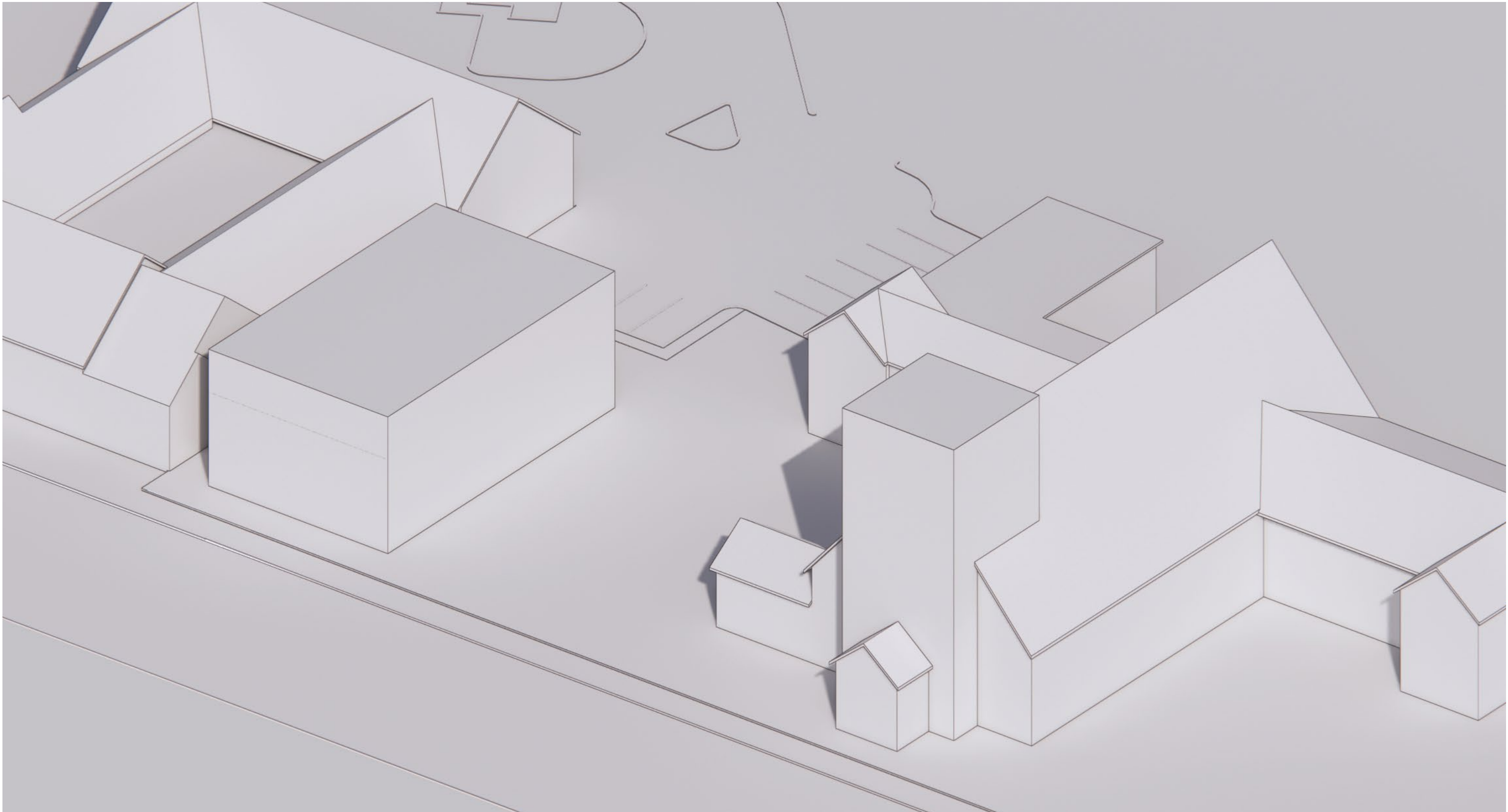
Gross Floor Area (sq. ft.)

Ground Floor	3,496
Second Floor	3,496
Third Floor	3,496
<b>Total:</b>	<b>10,488</b>

PROPOSED PROGRAM DIAGRAMS - SCHEME 2



**PROPOSED MASSING STUDY**



**PROPOSED MASSING STUDY**



**821 MASS. AVE**

Comprehensive Design Progress Package

02.24.2020 Project Schedule

pg 22 44 of 48

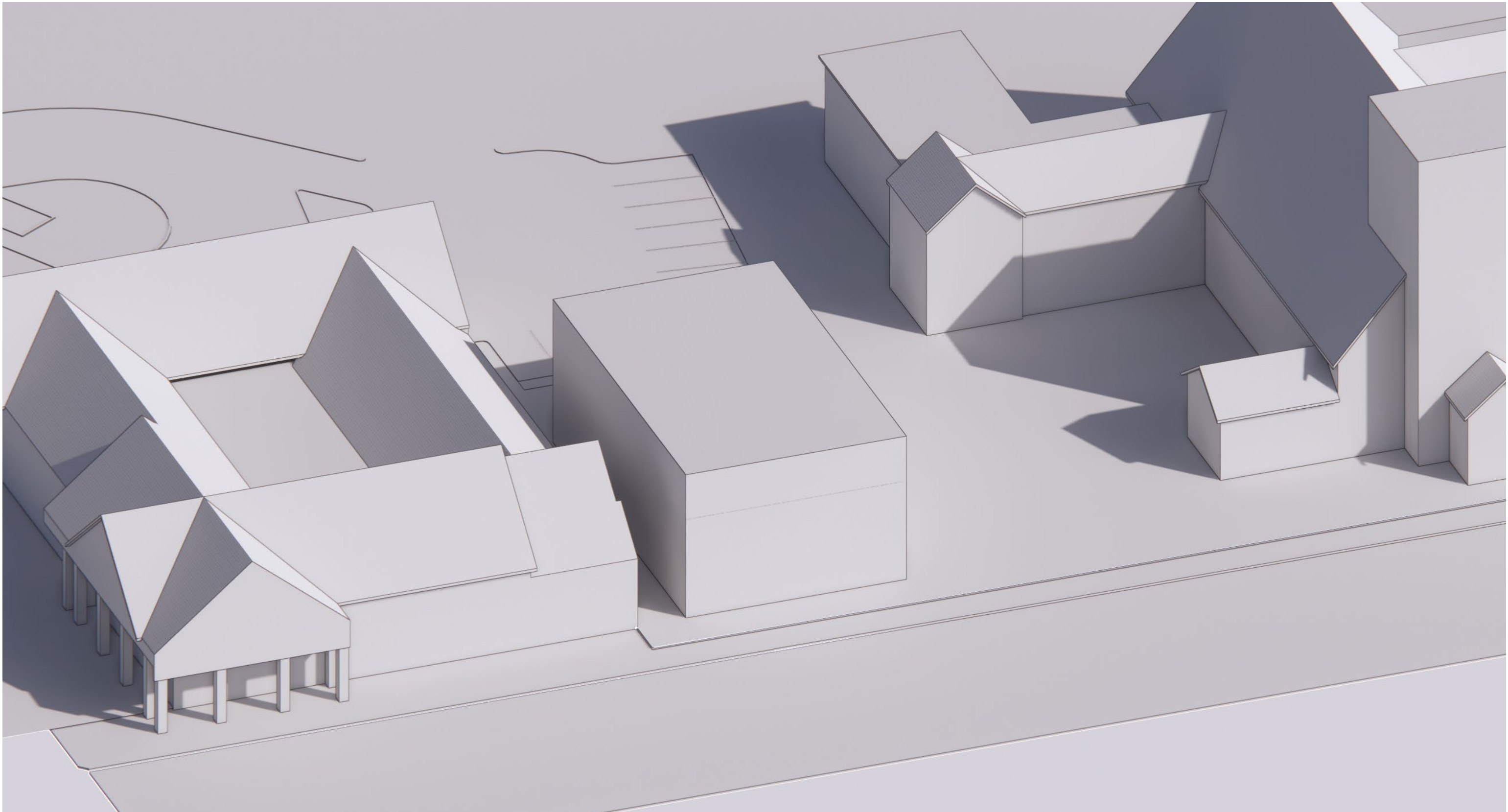
Existing Conditions

02

Potential Renovation Scope

03





**PROPOSED MASSING STUDY**



**821 MASS. AVE**

Comprehensive Design Progress Package

02.24.2020 **Project Schedule**

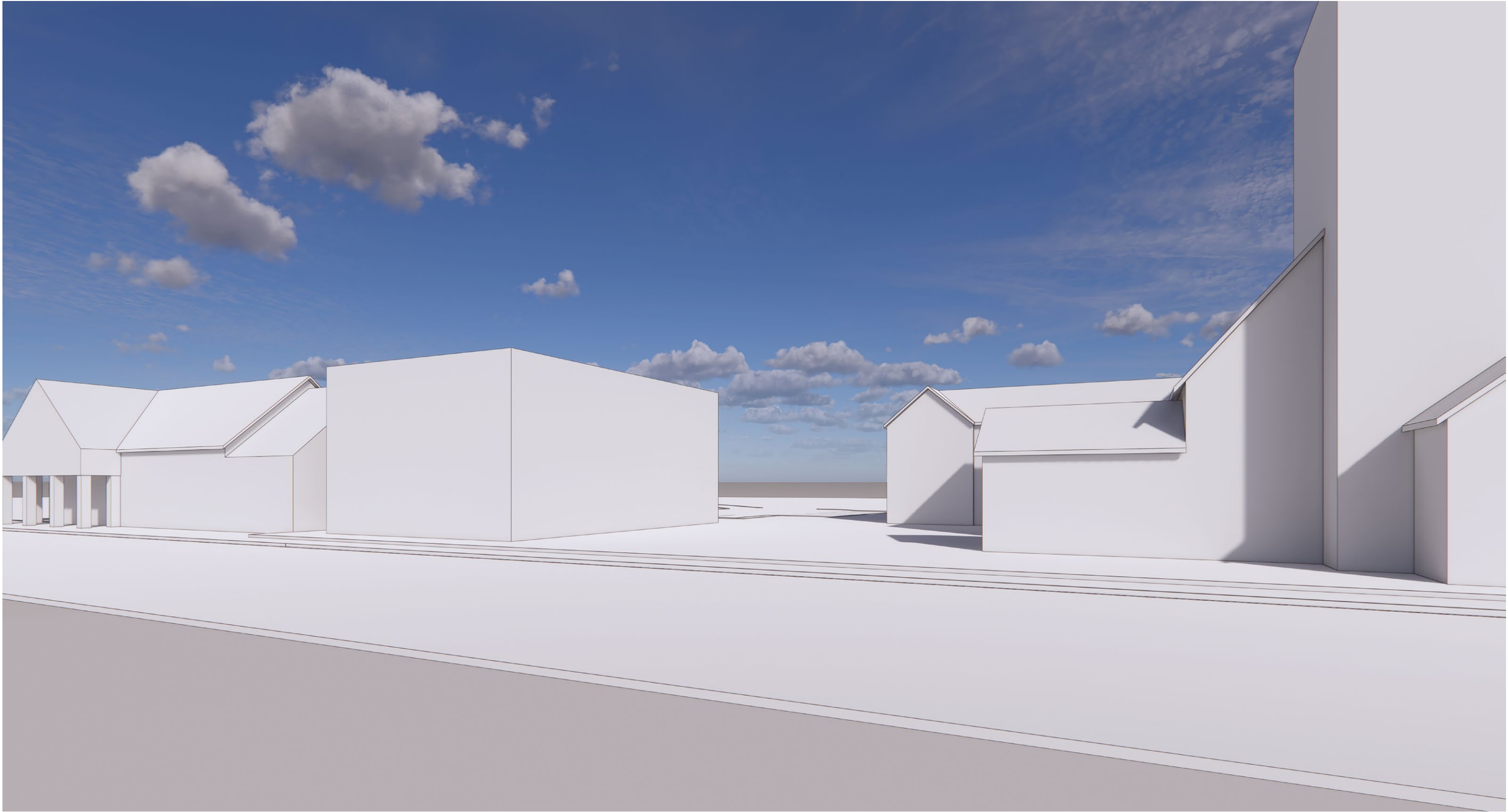
pg 25 45 of 48

**Existing Conditions**

02

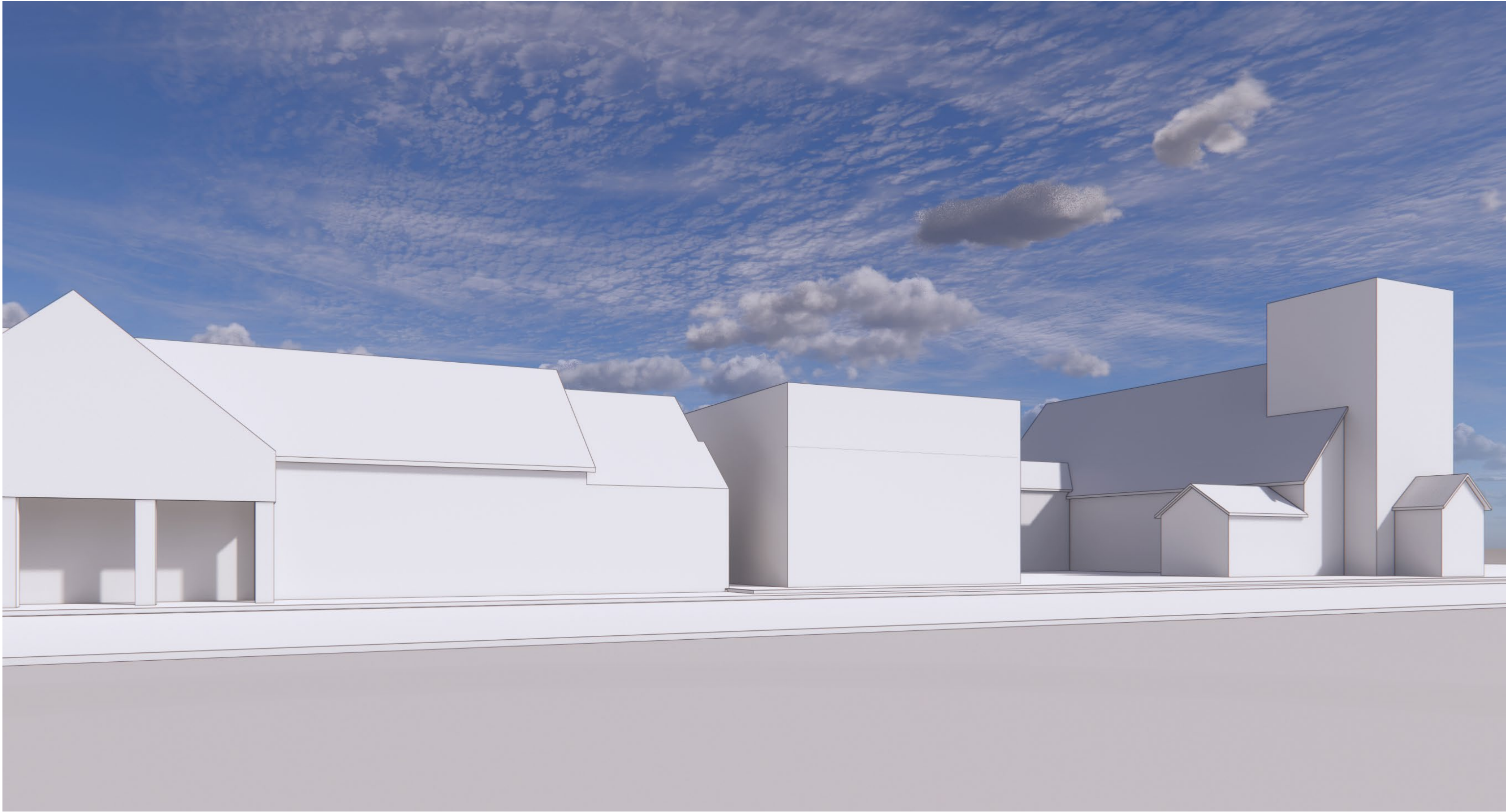
**Potential Renovation Scope**

03



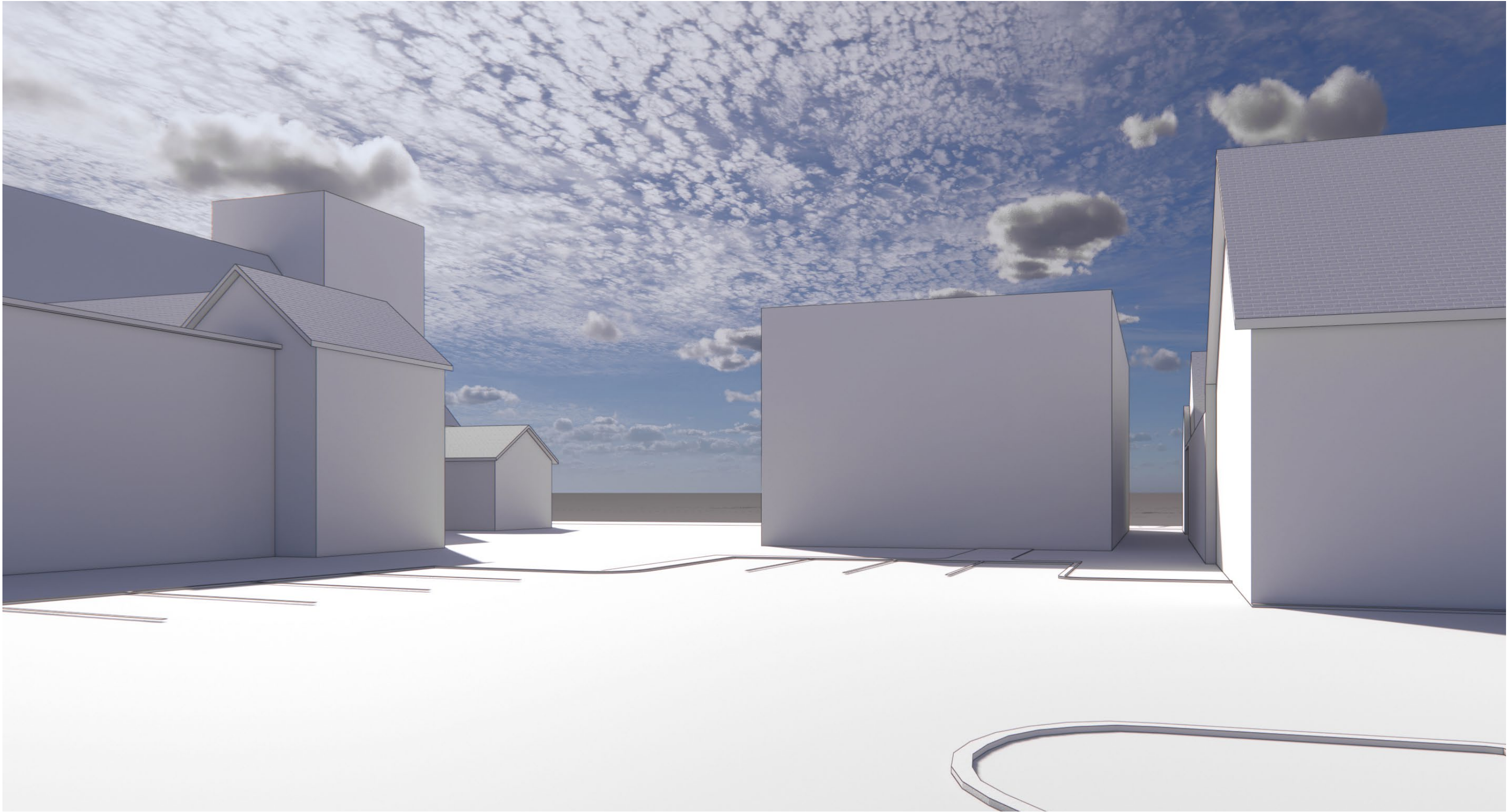
**PROPOSED MASSING STUDY**





**PROPOSED MASSING STUDY**





**PROPOSED MASSING STUDY**



**821 MASS. AVE**

**Comprehensive Design Progress Package**

02.24.2020

**Project Schedule**

**Existing Conditions**

**Potential Renovation Scope**