



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

### **Agenda & Meeting Notice October 22, 2020**

This meeting will be held via Zoom Meeting with audio and video. This meeting is being held remotely in accordance with the Governor's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law G.L. c. 30A, Section 20. Public comments will be accepted during the public comment periods designated in the agenda. The public may email or provide any written comments to [jraitt@town.arlington.ma.us](mailto:jraitt@town.arlington.ma.us) by October 22, 2020 at 12:00 p.m. If visual information is provided as part of your correspondence, the Board requests this by October 21, 2020 at 4:00 p.m.

The Arlington Redevelopment Board will meet Thursday, October 22, 2020 at 7:00 PM in the  
**Join Zoom Meeting with audio and video by connecting using this link and Meeting ID:**  
**<https://town-arlington-ma-us.zoom.us/j/91519677337>, Meeting ID: 915 1967 7337, or by calling**  
**(646) 876-9923 Meeting ID 915 1967 7337 followed by “#”**

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

Beginning at **ARTICLE 20**

7:00 p.m. **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 16**

**ZONING BYLAW AMENDMENT/DEFINITIONS RELATED TO OPEN  
SPACE**

To see if the Town will vote to amend the Zoning Bylaw by renaming the terms "Open Space", "Open Space, Usable" and "Open Space, Landscaped" in Section 2 – Definitions; or take any action related thereto.

(Inserted at the request of Stephen A. Revilak and 10 registered voters)

#### **ARTICLE 17**

**ZONING BYLAW AMENDMENT/NOTICE OF DEMOLITION, OPEN  
FOUNDATION EXCAVATION, NEW CONSTRUCTION, OR LARGE  
ADDITIONS**

To see if the Town will vote to amend the Zoning Bylaw in Section 3.1.B. by

appending to the end of this section the sentence: “No such permit shall be issued until the Building Inspector finds that the applicant is in compliance with the applicable provisions of Title VI, Article 7 of the Town Bylaws.”; or take any action related thereto.

(Inserted at the request of Michael Ruderman 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. Adjourn**

Estimated 9:00 p.m. – Adjourn



## Town of Arlington, Massachusetts

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### Warrant Article Public Hearings 2020 Special Town Meeting

#### Summary:

Beginning at  
7:00 p.m.

#### **ARTICLE 20**

##### **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 16**

##### **ZONING BYLAW AMENDMENT/DEFINITIONS RELATED TO OPEN SPACE**

To see if the Town will vote to amend the Zoning Bylaw by renaming the terms "Open Space", "Open Space, Usable" and "Open Space, Landscaped" in Section 2 – Definitions; or take any action related thereto.

(Inserted at the request of Stephen A. Revilak and 10 registered voters)

#### **ARTICLE 17**

##### **ZONING BYLAW AMENDMENT/NOTICE OF DEMOLITION, OPEN FOUNDATION EXCAVATION, NEW CONSTRUCTION, OR LARGE ADDITIONS**

To see if the Town will vote to amend the Zoning Bylaw in Section 3.1.B. by appending to the end of this section the sentence: "No such permit shall be issued until the Building Inspector finds that the applicant is in compliance with the applicable provisions of Title VI, Article 7 of the Town Bylaws."; or take any action related thereto.

(Inserted at the request of Michael Ruderman 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	Item_1_STM_2020_Zoning_Bylaw_Amendments_10-8-20.docx	2020 Special Town Meeting Draft Zoning Bylaw Amendments
Reference Material	Item_2_Memo_to_ARB_regarding_Warrant_Articles_16_17_and_20.pdf	Memo to ARB regarding Warrant Articles 16, 17, and 20
Reference		ARB- 20201007

▢ Material	Item_3_arb-20201007-open-space.pdf	Open Space
▢ Reference Material	Item_4_B3_and_B5_maps.pdf	B3 and B5 Maps



**Town of Arlington**  
**REDEVELOPMENT BOARD**

**2020 Special Town Meeting Draft Zoning Bylaw Amendments**

**October 8, 2020**

## **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:

Rachael Zsembery, Chair (Term through 6/30/2023)

Kin Lau, Vice Chair (Term through 1/31/2022)

Eugene Benson (Term through 1/31/2023)

Katie Levine-Einstein (Term through 1/31/2023)

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:

1. **Thursday, October 22, 2020**, beginning at 7:00 PM, via Zoom at <https://town-arlington-ma-us.zoom.us/j/91519677337>, Meeting ID: 915 1967 7337, or by calling (646) 876-9923 Meeting ID 915 1967 7337#
2. **Monday, October 26, 2020**, beginning at 7:00 PM via Zoom at <https://town-arlington-ma-us.zoom.us/j/93824818427>, Meeting ID: 938 2481 8427, or by calling (646) 876-9923, Meeting ID 938 2481 8427#; and
3. **Wednesday, October 28, 2020**, beginning at 7:00 PM, via Zoom at <https://town-arlington-ma-us.zoom.us/j/97526798411>, Meeting ID: 975 2679 8411, or by calling (646) 876-9923, Meeting ID 97526798411#.

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 Special Town Meeting, which will begin on Monday, November 16, 2020.

The draft language of the proposed amendments to the Zoning Bylaw is available beginning on Thursday, October 8, 2020 for viewing and downloading from the Redevelopment Board webpage of the Town's website at [www.arlingtonma.gov](http://www.arlingtonma.gov).

**Please note that the Zoning Bylaw Amendments have not yet been assigned Article numbers as of October 8, 2020.**

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

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## **Zoning Bylaw Amendments: Parking Reductions in the B3 and B5 Districts**

**Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.**

### **ARTICLE\_\_\_\_ 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 to 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)

#### **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;



**Zoning Bylaw Amendments: Parking Reductions in the B3 and B5 Districts**

**Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.**

- (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.

## **Zoning Bylaw Amendments: Definitions Related to Open Space**

**Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.**

### **ARTICLE \_\_\_\_\_ ZONING BYLAW AMENDMENT/ DEFINITIONS RELATED TO OPEN SPACE**

To see if the Town will vote to amend the Zoning Bylaw by renaming the terms "Open Space", "Open Space, Usable" and "Open Space, Landscaped" in Section 2 – Definitions; or take any action related thereto.

(Inserted at the request of Stephen A. Revilak and 10 registered voters)

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#### **The petitioner submitted the following information regarding this amendment:**

##### **Motivation**

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.<sup>1</sup>

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.

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.

The dimensional regulations in Section 5 are not based on this definition of Open Space; rather, the definition merely provides a framing for "Open Space, Usable", and "Open Space, Landscaped" which do appear in the dimensional tables.

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<sup>1</sup> Arlington Zoning Bylaw, Section 5.6.I(E).

## **Zoning Bylaw Amendments: Definitions Related to Open Space**

**Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.**

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", "garden(s)", 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 again the definition stops short of making this a requirement.

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 the long term, I hope that we can revisit the way our Zoning Bylaw regulates yards<sup>2</sup>, but for the moment, my goal is to have (new) terms with that better fit the text of the definitions, while leaving the definitions as they currently are.

### **Proposal**

I would propose to rename the terms "Open Space", "Open Space, Landscaped" and "Open Space, Usable" to "Yard Space", "Yard Space, Secondary", and "Yard Space, Primary". Since Open Space is defined as "a yard", the term "Yard Space" seems more appropriate.

The adjectives "Primary" (in place of "Usable") and "Secondary" (in place of "Landscaped") are intended to refer to relative area. What we currently call Usable Open Space has a minimum horizontal dimension and is likely to be the largest area of a conforming yard; hence, the term "Primary". What we currently call Landscaped Open Space tends to consist of smaller areas; hence, the term "Secondary".

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<sup>2</sup> Indeed, because our dimensional regulations for "Open Space" are based on gross floor area, I would argue that the regulations are oriented more towards minimizing the interior square footage of new construction and conforming buildings, as opposed to encouraging yards of a minimum size.

## Zoning Bylaw Amendments: Definitions Related to Open Space

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

The core change I am proposing is as follows:

Definitions Associated with ~~Open Space~~ **Yard Space**

~~Open Space~~ **Yard Space**: 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.

~~Open Space, Landscaped~~ **Yard Space, Secondary**: ~~Open~~ **Yard** 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.

~~Open Space, Usable~~ **Yard Space, Primary** 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. Such space may include open area accessible to and developed for the use of the occupants of the building, and located upon a roof not more than 10 feet above the level of the lowest story used for dwelling purposes. ~~Open~~ **Yard** space shall be deemed ~~usable~~ **Primary** only if at least 75% of the area has a grade of less than 8%, and no horizontal dimension is less than 25 feet. For newly constructed single-, two-family, and duplex dwellings with surface parking, no horizontal dimension shall be less than 20 feet.

Of course, each occurrence of these terms will be need to be changed in the section of the bylaw where it appears. I believe that changing the occurrences should be covered by the warrant article language "and any action related thereto".

## Zoning Bylaw Amendments: Accessory Dwelling Units

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

### ARTICLE \_\_\_\_

### ZONING BYLAW AMENDMENT/ ACCESSORY DWELLING UNITS

To see if the town will vote to allow Accessory Dwelling Units (ADUs) in single and two-family dwellings in residential districts, or take any action related thereto by amending the Zoning Bylaw as follows:

**Section 1.2 Purposes** to add “to encourage housing for persons at all income levels *and stages of life*”:  
and

**Section 2 5 Definitions Associated with Dwelling:** to add *An ACCESSORY DWELLING UNIT, OR ACCESSORY APARTMENT, “Accessory dwelling unit”, four or more rooms constituting a self-contained accessory housing unit, inclusive of sleeping, cooking and sanitary facilities on the same premises as the principal dwelling, subject to otherwise applicable dimensional and parking requirements, that: (i) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code and state fire safety code; (ii) is not larger in floor area than 1/2 the floor area of the principal dwelling. and*

**Section 3.3.3 Special Permits** to add “*in the case of requests for special permits for Accessory Dwelling Units, the use will add to the need for a range of affordable housing opportunities for the Town.*” and

**Section 5.2.3 Districts and Uses:** to add “to allow for the creation of accessory dwelling units in all zoning districts which allow residential use. (Include in Section 5.4 Residential Districts);

or take any action related thereto.

(Inserted at the request of Barbara Thornton and 10 registered voters)

### The petitioner submitted the following information regarding this amendment in early 2020:

This warrant article is intended to recognize and build on the majority support for ADU’s from both the 2019 town meeting and from town residents who recognize a clear need to:

1. make available more reasonably priced housing opportunities for people need housing of a type or for a price not currently available to them and
2. offer homeowners with larger homes and available space (“over housed”), but who have limited incomes, an opportunity to monetize that space in order to continue to live in their homes and be able to pay their rising Arlington property taxes
3. create a space in their home to care for elderly or disabled family members or to be cared for themselves as they age

The attached draft language draws on ADU legislation from several municipalities near and comparable to Arlington. It is intended to emphasize the purpose of ADUs in helping to resolve the above problems currently facing town citizens.

Accessory Dwelling Units. The purpose of this is to allow for the creation of accessory apartments in single and two family residential districts. These districts contain a number of large single family homes that are underutilized, often occupied by one or two people who are “over housed” in homes with three or more bedrooms. Under current law, alteration of these homes to provide additional dwelling units would be prohibited in most cases due to the existing zoning standards.

The provision of accessory dwelling units in owner occupied one and two family dwellings is intended to:

1. Increase the number of small dwelling units available for rent in the town,

## **Zoning Bylaw Amendments: Accessory Dwelling Units**

**Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.**

2. Encourage the availability of lower cost housing opportunities
3. Increase, the diversity of housing options for town residents, in response to demographic changes such as smaller households, older households, an increase in single parent and single person households;
4. Encourage better utilization of existing housing stock, particularly for older owners of larger homes;
5. Bring existing Accessory Apartments up to code for health and safety, and eliminate apartments that cannot be made safe, or do not comply with the provisions of this Zoning By-Law, and
6. Eliminate the continued construction of illegal unregulated apartment units.
7. Take advantage of the “over housing” that exists as a result of “empty nesters” not moving out of their larger, single family, multi bedroom, long time homes.
8. Encourage greater diversity of population with particular attention to young adults and senior citizens, and
9. Encourage a more economic and energy-efficient use of the town's housing supply while maintaining the appearance and character of the town's single family neighborhoods.

Given contemporary lifestyles, housing needs and energy and maintenance costs, it is beneficial to the Town to allow greater flexibility in the use of such dwellings without substantially altering the environmental quality of such residential districts. This Subsection gives the Board of Zoning appeal authority to relax such zoning requirements in certain instances consistent with the above objectives and as enumerated below.

Subsection 2: In a single or two family residential district the Board of Zoning Appeals may grant a special permit for alteration of a single family, detached dwelling legally in existence as of the effective date of this Subsection to provide one accessory apartment if the following conditions are met:

1. The dwelling was constructed prior to **Jan. 1, 2020**,
2. Prior to alteration the dwelling contains at least fifteen hundred (1,500) square feet of gross floor area.
3. Such accessory apartment shall not occupy more than fifty (50) percent of the gross floor area of the principal dwelling in existence prior to the effective date of this Subsection.

In granting a special permit the Board may impose such conditions, including requirements for off street parking and limitations on other accessory uses of the premises, as it may deem appropriate to avoid detriment to the neighborhood or to nearby persons or property. The Board of Zoning Appeals shall evaluate each special permit application which involves exterior changes with the appearance of and character of the neighborhood and may require that there be no change or minimal change to any face of a building oriented toward a public way or visible from a public way.

### **SPECIAL PERMIT GRANTING PROCEDURES:**

1. The proposed Accessory Apartment is in harmony with and will promote the purposes of the Zoning By-Law;
2. The specific site is an appropriate location for such a use, structure or condition;
3. The use as developed will not adversely affect the neighborhood;
4. There will be no nuisance or serious hazard to vehicles or pedestrians;
5. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
6. In granting a special permit, the TOWN may impose such additional conditions as it may deem necessary to protect the single or **two** family appearance of the dwelling, and to bring the dwelling

## **Zoning Bylaw Amendments: Accessory Dwelling Units**

**Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.**

as close to conformity with the conditions and requirements for new accessory apartments, as is feasible.

7. A special permit granted by the TOWN shall include a condition that a certificate of occupancy shall be obtained for periods not to exceed three years. No subsequent certificate of occupancy shall be issued unless there is compliance with the plans and conditions approved by the TOWN.
8. If a special permit is granted and corrective changes are required, they must be completed within 90 days of the date of granting the permit. When required changes are completed, the building commissioner will issue a certificate of occupancy.
9. If a special permit is denied, the second dwelling unit shall be terminated within one year of the date of the denial.
10. Upon a conveyance of the property, the subsequent owner shall submit to the Zoning Enforcement Officer a certificate of compliance with prior conditions.
11. A Special Permit-Accessory Apartment shall be required for all units meeting the definition of an Accessory Dwelling Unit and designated in this Zoning By-Law as requiring a Special Permit-Accessory Apartment before the Inspector of Buildings may issue a building permit or an occupancy permit. The Board of Appeals shall not approve any such application unless it finds that in its judgement all of the criteria for a Special Permit set forth in above Sections of the By-Law have been satisfied and, in addition, that the following conditions are met:
  - a) The proposed Accessory Apartment is in harmony with and will promote the purposes of the Zoning By-Law (PURPOSE);
  - b) The specific site is an appropriate location for such a use, structure or condition;
  - c) The use as developed will not adversely affect the neighborhood;
  - d) There will be no nuisance or serious hazard to vehicles or pedestrians;
  - e) Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

Much of the information and suggestions in the above notes are drawn from the laws and regulations of other Massachusetts municipalities that allow Accessory Dwelling Units. The Pioneer Institute did a comprehensive survey of Massachusetts municipalities and collected the relevant legislation related to all those municipalities that had ADU. In preparation for drafting this warrant, that report, including dozens of bylaws included, was reviewed.

Also in preparation for submitting this warrant article, meetings were held with the Arlington Building Inspector and the Arlington Fire Chief. Each municipality may have its own legislation. In every municipality the Building Inspector must inspect in relation to the state building inspections code. The state code, CMR 780, in turn is based on compliance with changes in national and international building codes. The determination of compliance with the building code includes a variety of complex and technical factors. It is the local Building Inspector's responsibility to determine that the residential unit is safely habitable. Each local building inspector may interpret this complex mix of factors and the state building code in slightly different ways. In Arlington, the Building Inspector has determined that an ADU is best inspected under the code's criteria of a two family residence. While this may be a more conservative interpretation than some communities. It is not unusual and it does reinforce the concern for the safety of Arlington residents.

The Fire Chief considers the NFPA1, the National Fire Protection Association's code for life safety, etc., when his staff reviews an application for an ADU in Arlington.

## **Zoning Bylaw Amendments: Accessory Dwelling Units**

**Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.**

Bottom line, compliance with building and safety codes is complicated. It behooves a homeowner interesting in adding an ADU to first consult with a trained professional who is familiar with the complexity of these codes and how they might be interpreted in the homeowner's own property.



# **Zoning Bylaw Amendments: Improving Residential Inclusiveness, Sustainability, and Affordability by Ending Single Family Zoning**

**Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.**

## **ARTICLE\_\_\_\_ ZONING BYLAW AMENDMENT/ IMPROVING RESIDENTIAL INCLUSIVENESS, SUSTAINABILITY, AND AFFORDABILITY BY ENDING SINGLE FAMILY ZONING**

To see if the Town will vote to or take any action related thereto: To amend the Zoning Bylaw for the Town of Arlington by expanding the set of allowed residential uses in the R0 and R1 Zoning Districts with the goal of expanding and diversifying the housing stock by altering the district definitions for the R0 and R1 Zoning Districts.

(Inserted at the request of Benjamin Rudick and 10 registered voters)

**The petitioner submitted the following in early 2020 regarding this Article (please note that the Article referenced below was the prior Article number as submitted for Annual Town Meeting 2020):**

Our goal with Article 32 is to allow two-family homes, by right, in two districts that are exclusively zoned for single-family homes. This is similar to what city of Minneapolis<sup>3</sup> and the state of Oregon<sup>4</sup> did in 2019. The motivations fall into three broad categories: the history of single-family zoning as a mechanism for racial segregation, environmental concerns arising from car-oriented suburban sprawl, and the regional shortage of housing and its high cost. We'll elaborate on these concerns in the following paragraphs, and end our memo with a proposed main motion.

**Single-family zoning as a mechanism for racial segregation.** Single-family zoning began to take hold in the United States during the 1920's, after the Supreme Court declared racially-based zoning unconstitutional in 1917.<sup>5</sup> Secretary of Commerce Herbert Hoover encouraged cities and towns to adopt single-family zoning ordinances, effectively substituting segregation based on race with segregation based on economic status.<sup>6</sup> The idea was furthered by the Home Owners Loan Corporation of America's (HOLC's) redlining maps (created between 1935 and 1940)<sup>7</sup>, and the Federal Housing Administration's (FHA's) mortgage insurance policies from 1934--1968.<sup>8</sup> The HOLC designated areas with black populations as "hazardous" and actuarially risky, and the FHA used these maps when making underwriting decisions. In short, the FHA was in the business of underwriting loans to white homebuyers in white neighborhoods.

Of Arlington's 7,998 single-family homes, 4,080 (51%) were built during 1934--1968.<sup>9</sup> The FHA was the primary mortgage underwriter during this time, and we believe it is reasonable to expect that a substantial number of these homes were originally purchased with FHA mortgages. Put another way, most of our single-family housing was likely built according to FHA guidelines of "avoiding inharmonious

3 See <https://slate.com/business/2018/12/minneapolis-single-family-zoning-housing-racism.html>

4 See <https://www.npr.org/2019/07/01/737798440/oregon-legislature-votes-to-essentially-ban-single-family-zoning>

5 See *Buchanan v. Warley*, [https://en.wikipedia.org/wiki/Buchanan\\_v.\\_Warley](https://en.wikipedia.org/wiki/Buchanan_v._Warley).

6 See *The Racial Segregation of American Cities Was Anything But Accidental*. <https://www.smithsonianmag.com/history/how-federal-government-intentionally-racially-segregated-american-cities-180963494/>

7 See *Mapping Inequality*, <https://dsl.richmond.edu/panorama/redlining/#loc=5/39.1/-94.58&text=intro>.

8 See *FHA Mortgage Insurance Requirements Utilize Redlining*. <https://www.bostonfairhousing.org/timeline/1934-1968-FHA-Redlining.html>

9 Source: Arlington's 2019 property assessment data

## **Zoning Bylaw Amendments: Improving Residential Inclusiveness, Sustainability, and Affordability by Ending Single Family Zoning**

**Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.**

mixing or races", aka segregation. Arlington's population was 99% white in 1970 and even higher during previous decades.<sup>10</sup> We certainly met the criteria of being a white community.

We believe it's important to recognize this history, and to have a conversation about how we might restore a balance of fairness.

**Environmental concerns.** When compared with their multi-family counterparts, single-family homes are less energy efficient, more land intensive, and are associated with higher carbon emissions due to transportation.<sup>11</sup> Car transportation is a useful analogy; having everyone drive in their own car is more carbon-intensive than carpooling (two-family homes), which in turn is more carbon-intensive than taking the bus (3+ unit buildings). Maps created by Berkeley's Cool Climate Project<sup>12</sup> show this in a clear way: per household carbon emissions are lower in urban areas than they are in the surrounding suburbs. (Note that authors of the Berkeley report do not advocate getting rid of suburbs, but they do state that suburbs will require different carbon reduction strategies than urban areas).

We believe it is more environmentally responsible to build additional homes on sites that are already developed, rather than (say) going out to the suburban fringes along route 495 and clearing half-acre lots. If we do not provide ample housing within Arlington and other inner-ring suburbs, new workers will likely live further out and have longer, more carbon-intensive commutes. Climate change is a crisis, and our response must involve changing how we live, and that includes ending the twentieth-century pattern of suburban sprawl.<sup>13</sup>

**The shortage and high cost of housing.** Since 2010, the fifteen cities and towns in the Metro Mayor's coalition have added 148,000 jobs and 110,000 new residents, but have only permitted 32,500 new homes<sup>14</sup>; this has added to a housing shortage that's been growing for decades. The imbalance between supply and demand has contributed to rising prices and a very hot market. In 2019, the median sale price for homes in Arlington was \$821k.<sup>15</sup> We do not expect construction to be a complete solution to Arlington's housing costs, but we do believe it is a necessary step in meeting rising demand and counteracting rising costs.

Article 32 is most likely to influence the cost of newly-constructed homes. Newly-constructed single-family homes typically sell in the \$1.2M--1.5M range while condominiums in new duplexes typically fall

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<sup>10</sup> Source: US Census data. See <https://www.census.gov/prod/www/decennial.html>

<sup>11</sup> See *Green houses and greenhouse gases: Why exclusionary zoning is a climate catastrophe*. <http://gppreview.com/2019/11/05/green-houses-greenhouse-gases-exclusionary-zoning-climate-catastrophe>

<sup>12</sup> See: <https://coolclimate.berkeley.edu/maps>

<sup>13</sup> See *Abolishing Exclusionary Zoning: A Natural Policy Alliance for Environmentalists and Affordable Housing Advocates*, <https://lawdigitalcommons.bc.edu/cgi/viewcontent.cgi?article=1177&context=ealr> for a discussion of the environmental impacts associated with low-density sprawl.

<sup>14</sup> See <https://housingtaskforce.mapc.org/>

<sup>15</sup> Leading Edge Real Estate 2019 Arlington Market Review. <https://www.mapropertiesonline.com/blog/arlington-market-review-2019>

## **Zoning Bylaw Amendments: Improving Residential Inclusiveness, Sustainability, and Affordability by Ending Single Family Zoning**

**Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.**

into the \$800k--1.1M range. These duplex units are not cheap, but they offer a price point roughly four hundred thousand dollars less than new single-family homes.

We also believe our proposal directly addresses three concerns raised by last year's multi-family proposal (aka 2019 ATM Article 16):

1. **Concentration.** Last year's proposal would have concentrated new housing around the town's business corridors, and Massachusetts Avenue in particular. Article 32 will spread new housing across the majority of the town, as 60% of Arlington's land area (and 80% of its residentially-zoned land)<sup>16</sup> is currently zoned exclusively for single-family homes.
2. **Height and Shadows.** Last year's proposal would have allowed taller buildings along the commercial corridors; there were concerns about increased height, and the shadows new buildings might cast. Article 32 makes no changes to our zoning bylaw's dimensional regulation; homes built under this bylaw could be no larger than homes we already allow, by right.
3. **Displacement.** Last year's proposal drew concerns that businesses and apartment renters would be displaced by new construction. Article 32 applies to districts that are exclusively zoned for single-family homes. 95% of our single-family homes are owner-occupied, and can only be rebuilt or renovated with the owner's consent. We believe this minimizes any risk of displacement.

Finally, we expect the board will be interested in the number of homes that might be added under this proposal, and the potential impact on the school system. We'll attempt to address those questions here.

Arlington's report on Demolitions and Replacement Homes states an average of 27 rebuilds or substantial renovations per year, averaged over a ten year period.<sup>17</sup> For the purpose of discussion, we expect the number of new homes added under this proposed bylaw change to be somewhere between half and double that amount, or 14--54 homes/year. Arlington has 7,998 single-family homes so this is a replacement rate well under 1%/year. It will be nothing like the 500 new homes/year that Arlington was building during the 1920s.<sup>18</sup>

Assessing the impact on the school system amounts (in part) to estimating the number of new school students created by the addition of 14--54 homes/year. One can conceivably see this playing out according to three scenarios. Scenario 1 is simply "by the numbers". The Housing section of

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<sup>16</sup> Land area percentages provided by the Department of Planning and Community Development.

<sup>17</sup> *Report on Demolitions and Replacement Homes*, pg 7. Retrieved from <https://www.arlingtonma.gov/home/showdocument?id=47415>

<sup>18</sup> See *When was Arlington's Housing Built*, <https://equitable-arlington.org/2019/10/22/when-was-arlington-housing-built/>

## **Zoning Bylaw Amendments: Improving Residential Inclusiveness, Sustainability, and Affordability by Ending Single Family Zoning**

**Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.**

Cambridge's Alewife District Plan estimates one new student for every 17 new homes,<sup>19</sup> and the economic analysis of Arlington's industrial districts gives a net increase of one new student for every 20 new condominiums.<sup>20</sup> Both work out to an increase of 1--3 students per year for the addition of 14--54 homes. This is substantially smaller than past enrollment growth, and something the schools should easily be able to handle.

Second, one could imagine a scenario where elementary school enrollment is in modest decline, as students who entered Arlington public schools in the middle of the last decade move on to middle and high school. Here, new elementary students would utilize existing classroom space, which was created to accommodate the wave of students which came before them. We understand this is the general scenario anticipated by school district forecasts.

Third, one could picture a scenario where any new home is immediately filled with children. Under this assumption it's likely that *any* turnover of single-family homes or suitably-sized condominiums would attract families with children. With 7,998 single-family homes, there is little to prevent another demographic turnover from causing another increase in school enrollment, even if Arlington never adds a single additional home.

The advantage of Article 32 is that, regardless of which school enrollment scenario plays out, any changes will be gradual and distributed, and Arlington will have time to react.

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<sup>19</sup> *Alewife District Plan*, pg 145. Retrieved from [https://www.cambridgema.gov/-/media/Files/CDD/compplan/envisioncambridgefinalplan/20191022\\_Alewife.pdf](https://www.cambridgema.gov/-/media/Files/CDD/compplan/envisioncambridgefinalplan/20191022_Alewife.pdf)

<sup>20</sup> *Economic Analysis of Industrial Zoning Districts*, slide 49. Retrieved from <https://www.arlingtonma.gov/home/showdocument?id=48476>. The study estimates 0.41 school children per single-family home and 0.23 school children per condominium.  $(2 * 0.23 - 0.41) = 0.05$ , or 1 in 20.

**Zoning Bylaw Amendments: Notice of Demolition, Open Foundation Excavation, New Construction, or Large Additions**

**Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.**

**ARTICLE\_\_\_\_ ZONING BYLAW AMENDMENT/ NOTICE OF DEMOLITION,  
OPEN FOUNDATION EXCAVATION, NEW CONSTRUCTION, OR LARGE ADDITIONS**

To see if the Town will vote to amend the Zoning Bylaw in Section 3.1.B. by appending to the end of this section the sentence: “No such permit shall be issued until the Building Inspector finds that the applicant is in compliance with the applicable provisions of Title VI, Article 7 of the Town Bylaws.”; or take any action related thereto.

(Inserted at the request of Michael Ruderman and 10 registered voters)

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**The Redevelopment Board has not received any additional information from the petitioner as of October 7, 2020.**

## Zoning Map Amendments: Rezone Town Property

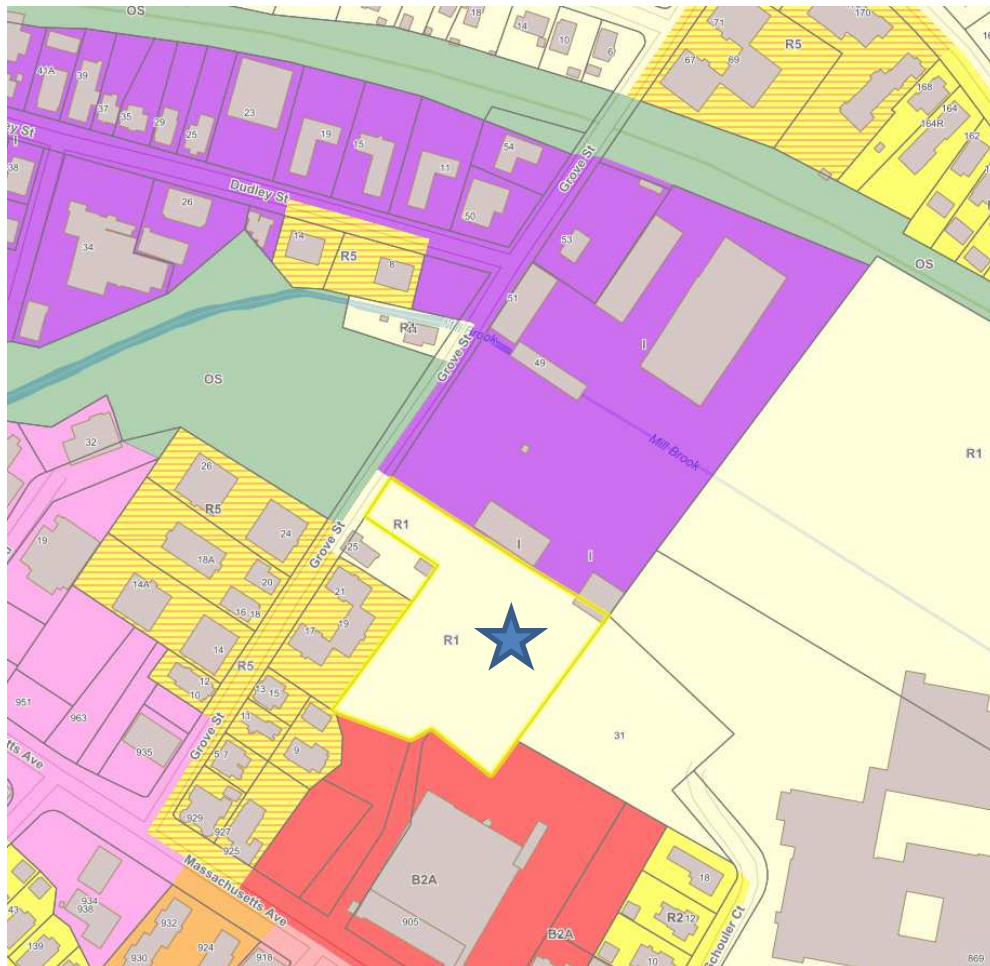
### ARTICLE \_

### ZONING MAP AMENDMENT/REZONE TOWN PROPERTY

To see if the Town will vote to rezone a parcel of land belonging to the Town of Arlington with access from Grove Street and being identified by Map 54, Block 3, Lot 2.B from R1 to I, or take any other action related thereto.

(Inserted at the request of the Town Manager)

The majority of the Department of Public Works (DPW) Yard Renovation will take place on the parcels shown below as Industrial at 49 and 51 Grove Street. However, the proposed new salt shed will straddle the lot line to the south and be located partially in the R1 Zoning District (noted with a star in the below image). The lot is currently used as a driveway and parking for the DPW Yard and a portion of an Arlington Public School field. Following construction of the DPW Yard Renovation and completion of the Arlington High School, the anticipated use will primarily be parking for the DPW and will connect to new parking at the High School complex. The Zoning Bylaw prohibits a municipal public works yard and associated maintenance, storage, and office facilities in R1 Zoning Districts, rezoning this parcel as Industrial will fit the goals of the DPW Yard Renovation.





**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: October 20, 2020

RE: Review of Warrant Articles 16, 17, and 20 for 2020 Special Town Meeting

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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 three articles with public hearings for the evening of October 22<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 inserted by the Redevelopment Board at the request of Stephen A. Revilak and 10 registered voters:

**Article 16 ZONING BYLAW AMENDMENT/ DEFINITIONS RELATED TO OPEN SPACE**

To see if the Town will vote to amend the Zoning Bylaw of the Town of Arlington by renaming the terms "Open Space", "Open Space, Usable" and "Open Space, Landscaped" in Section 2 – Definitions; or take any action related thereto.

(Inserted by the Redevelopment Board at the request of Stephen A. Revilak and ten registered voters)

Mr. Revilak provided commentary regarding the warrant article, which is attached.

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

- **Neutralizing Open Space Terms** – The Petitioner notes that the intention of this Warrant Article is to choose a term that matches the current definitions "Open Space", "Open Space, Usable" and "Open Space, Landscaped." The petitioner proposes to use instead "Yard Space", "Yard Space, Primary", and "Yard Space, Secondary." The use of the term "yard" is consistent with the existing definitions in the Zoning Bylaw which focus on private property and not public open space such as Robbins Farm Park. However, the term "yard" also refers to a specific area on a lot that may or may not also overlap with the required open space on a lot. Overall, renaming these terms may provide clarity for the layperson navigating the Zoning Bylaw. Note though, however, a review of Zoning Bylaws and Zoning Ordinances of communities in the greater Boston Area indicate that open space is the commonly used term when referring to required pervious spaces on a lot.
- **Scope of the Article** – The Warrant Article only refers to Section 2, Definitions. It would be appropriate the update the rest of the Zoning Bylaw, in particular Section 5, which may not be

allowed under the scope of this Warrant Article. The proposed main motion includes amendments in Section 5 and Section 8.

- **Consistency with the Master Plan** – While the Master Plan discusses the physical requirements for open space on a lot and makes recommendations, it does not comment on the usage of the terms “Open Space”, “Open Space, Usable” and “Open Space, Landscaped.” Being that this is primarily an administrative Warrant Article, it could promote the usability of the Zoning Bylaw which is discussed in the Master Plan.

A Warrant Article to amend the Zoning Bylaw has been inserted by the Redevelopment Board at the request of Michael Ruderman and 10 registered voters:

**Article 17** **ZONING BYLAW AMENDMENT/ NOTICE OF DEMOLITION,  
OPEN FOUNDATION EXCAVATION, NEW CONSTRUCTION, OR LARGE ADDITIONS**

To see if the Town will vote to amend the Zoning Bylaw in Section 3.1.B. by appending to the end of this section the sentence: “No such permit shall be issued until the Building Inspector finds that the applicant is in compliance with the applicable provisions of Title VI, Article 7 of the Town Bylaws;” or take any action related thereto.

(Inserted by the Redevelopment Board at the request of Michael Ruderman and ten registered voters)

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

- **Administrative Tasks in the Zoning Bylaw** – One of the goals of the 2018 recodification effort was to move administrative tasks out of the Zoning Bylaw. However, where this amendment provides a critical cross reference to the Town Bylaw and the section proposed to be amended describes the issuance of a permit, it is an appropriate addition to the Zoning Bylaw.
- **Applicability** – Title VI, Article 7, of the Town Bylaw refers to the Arlington Residential Construction Notification, also known as the Good Neighbor Agreement, which was adopted by Town Meeting in 2017. The Good Neighbor Agreement applies to residential construction, including demolitions, open foundation excavation, new construction, and large additions, and requires that the contractor provide notification to abutters within a set period of time prior to any activities that may trigger the bylaw, including tree removal. The Good Neighbor Agreement also establishes certain construction standards that must be maintained throughout the construction period. There are limited instances where this requirement would overlap with the ARB’s jurisdiction.
- **Consistency with the Master Plan** – The Good Neighbor Agreement was developed by the Residential Study Group which was tasked with addressing the impacts of residential construction as described in the Master Plan. The Select Board wrote in its Report to the 2017 Town Meeting, “The Residential Study Group’s believes that these expanded notices will help improve awareness of residential construction before it commences foster shared expectations between contractors/builders and residents encourage communication and dialogue to address concerns, and enable residents to plan accordingly.” Ensuring the appropriate cross reference will bring provide the additional level of clarity necessary.



**Article 20**

**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. Based on Town GIS data, there are 83 parcels in the B3 Zoning District and 26 in the B5 Zoning District; a total of 109 parcels would be affected by the proposed amendment. The attached maps identify the location of the parcels in the B3 and B5 Zoning Districts. There are no other properties zoned B3 or B5 outside of these areas.

As stated in the definition and purpose in the Zoning Bylaw, the intent of the B3 and B5 Zoning Districts includes allowing for uses oriented to pedestrian traffic. This is both to encourage commercial activity from neighborhood residents, and also to encourage visitors who drive to park once and visit multiple locations on foot in a single visit. 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, inefficient, and sometimes unnecessary to create parking** – The average lot size in the B3 and B5 Districts is approximately 6,100 square feet. In many cases, the coverage of the lot is at or near 100% (see building footprints on attached map). 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, or the conversion of existing parcels to surface or structured parking lots. Of the 109 properties in the B3 and B5 districts, 57 (52%) are listed on the Arlington Historical Commission's (AHC) *Inventory of Historically or Architecturally Significant Buildings*, which according to Title VI, Article XI of the Town Bylaw places a priority on preservation of the building rather than creating new parking. These properties are noted on the attached maps with an asterisk.

Private on-site parking is an extremely inefficient use of our limited land resources. Existing parking requirements in Arlington's Zoning Bylaw can create a situation where the space required for off-site parking for a development or change of use can be almost as large the use itself. The Zoning Bylaw provides Parking and Loading Space Standards in Section 6.1.11. In Section 6.1.11.A, the bylaw states: "Spaces entered from the front or rear, and stacked spaces, shall have minimum dimensions of 8.5 feet by 18 feet." Compact and parallel spaces have slightly differing dimensions, but using the above dimensions as an average, a single parking space in Arlington requires 153 square feet of space. When including the driving aisle dimensional requirement in Section 6.1.11.C.(3), which would require another 102 square feet,

an average parking space in Arlington uses 255 square feet of land area.<sup>1</sup> Suppose a property owner wanted to change an existing use to an “Other retail or service use” in a B3 or B5 district and currently has no on-site parking. According to Section 6.1.4. Table of Off-Street Parking Regulations, if this property had a gross floor area of 1,700 feet, six off-street parking spaces would need to be created (one space per 300 square feet of gross floor area). The resulting parking lot would need to be 1,530 square feet, or 90% of the size of the use it is meant to serve. This is land that can be used for any number of other uses, including more business, housing, or open space.

Private on-site parking also works against the Town’s commercial development goals. The inability to create new parking in the B3 and B5 zones 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 approved variance requests for new restaurants to open in spaces where there is no ability to create new parking in four separate instances: 1314 Mass Ave (#3612), 193-201 Mass Ave (#3281 and #2952), and 190 Mass Ave (#2952). Requiring businesses to seek a variance in order to open a business is a high bar (the business owner was requesting a change of use rather than redevelopment of the property), forcing a business owner to take on potential legal and other potentially burdensome pre-development costs.

In the B3 and B5 districts, the current supply of on-street parking is often sufficient to meet or even exceed demand. In the most recent case of 1314 Mass Ave, staff from DPCD engaged in a parking utilization study to determine if the requirement of 16 parking spaces could be satisfied by on-street parking in the immediate vicinity of 1314 Massachusetts Avenue without substantial detriment to the public good. DPCD concluded that the potential new parking activity created by a restaurant could be absorbed by the existing available on-street parking. For this particular area in Arlington Heights, staff found that on-street parking in the study area was not heavily utilized in the evening, and more frequently used during the lunch period but still not at capacity as around 40 on-street parking spaces around the study area were available during peak lunchtime hours, more than double the parking requirement for this use. However, even if on-street or municipal parking is nearing capacity in these districts, adding parking spaces is not necessarily the ideal solution due to limitations including physical space, funding, and property. Parking management – such as metering parking spaces in Arlington Center to encourage turnover – can be used to more efficiently use existing space instead of requiring new developments to provide new spaces.

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.

- **Alternate ways to access B3 and B5 districts are readily available** – As shown on the attached maps, properties zoned B3 and B5 are along or in close proximity to Mass Ave and other primary roadways in Arlington. Mass Ave carries the majority of MBTA bus lines through town – five out of eleven total routes traverse Mass Ave – including Route 77, an MBTA Key Bus Route due to its high ridership and importance to the overall bus system. These bus routes tend to converge in Arlington Center and also provide direct transit access to the properties zoned B3 and B5. In addition, the Minuteman Bikeway runs roughly parallel to Mass Ave through Arlington and provides easy and comfortable walking and biking access to each of the B3 and B5 zoning districts. Arlington recently became a part of the Bluebikes regional bike share system with stations near the B3 and B5 districts in Arlington Center and Capitol Square, at the Railroad Lot

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<sup>1</sup> Minimum aisle width of 12’ for parallel parking spaces multiplied by the typical minimum width of 8.5’ as noted in the average parking space dimensions above.

and the Bikeway and at Mass Ave and Grafton Street, respectively. Finally, denser housing situated near Mass Ave makes it easy for residents to walk to these districts and shop locally. Access to the B3 and B5 districts via non-driving modes make off-street parking less critical for them to function.

- **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.

111 Sunnyside Ave  
Arlington, MA 02474  
October 7, 2020

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

Dear Arlington Redevelopment Board,

I'm writing in regard to a warrant article that I've submitted for the 2020 special town meeting, which reads:

ARTICLE B: ZONING BYLAW AMENDMENT/DEFINITIONS RELATED TO OPEN SPACE

To see if the Town will vote to amend the Zoning Bylaw of the Town of Arlington by renaming the terms "Open Space", "Open Space, Usable" and "Open Space, Landscaped" in Section 2 - Definitions, or take any action related thereto.

This memo explains my motivation for bringing this article forward, and proposes a new set of terms.

## Motivation

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.<sup>1</sup>

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.

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.

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<sup>1</sup> Arlington Zoning Bylaw, Section 5.6.1(E).

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.

The dimensional regulations in Section 5 are not based on this definition of Open Space; rather, the 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", "garden(s)", 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 again the definition stops short of making this a requirement.

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 the long term, I hope that we can revisit the way our Zoning Bylaw regulates yards<sup>2</sup>, but for the moment, my

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2 Indeed, because our dimensional regulations for "Open Space" are based on gross floor area, I would argue that the regulations are oriented more towards minimizing the interior square footage of new construction and conforming buildings, as opposed to encouraging yards of a minimum size.

goal is to have (new) terms with that better fit the text of the definitions, while leaving the definitions as they currently are.

## Proposal

I would propose to rename the terms "Open Space", "Open Space, Landscaped" and "Open Space, Usable" to "Yard Space", "Yard Space, Secondary", and "Yard Space, Primary". Since Open Space is defined as "a yard", the term "Yard Space" seems more appropriate.

The adjectives "Primary" (in place of "Usable") and "Secondary" (in place of "Landscaped") are intended to refer to relative area. What we currently call Usable Open Space has a minimum horizontal dimension and is likely to be the largest area of a conforming yard; hence, the term "Primary". What we currently call Landscaped Open Space tends to consist of smaller areas; hence, the term "Secondary".

The core change I am proposing is as follows:

### Definitions Associated with ~~Open Space~~ Yard Space

~~Open Space~~ Yard Space: 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.

~~Open Space, Landscaped~~ Yard Space, Secondary: ~~Open~~ Yard 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.

~~Open Space, Usable~~ Yard Space, Primary 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. Such space may include open area accessible to and developed for the use of the occupants of the building, and located upon a roof not more than 10 feet above the level of the lowest story used for dwelling purposes. ~~Open~~ Yard space shall be deemed ~~usable~~ Primary only if at least 75% of the area has a grade of less than 8%, and no horizontal dimension is less than 25 feet. For newly constructed single-, two-family, and duplex dwellings with surface parking, no horizontal dimension shall be less than 20 feet.

Of course, each occurrence of these terms will be need to be changed in the section of the bylaw where it appears. I believe that changing the occurrences should be covered by the warrant article language "and any action related thereto".

Thank you for your time and consideration.

Stephen A. Revilak

# ARLINGTON CENTER

## KEY

 Building Footprints

 Open Space

 Listed on AHC inventory

123 Address number  
(unlabeled parcels  
are 0 lots)

Zoning Districts

 B3

 B5

 Town owned



