



Town of Arlington, MA Redevelopment Board

Agenda & Meeting Notice October 26, 2020

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 by October 23, 2020 at 12:00 p.m. If visual information is provided as part of your correspondence, the Board requests this by October 26, 2020 at 4:00 p.m.

The Arlington Redevelopment Board will meet Monday, October 26, 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/93824818427>, Meeting ID: 938 2481 8427, or by calling (646) 876-9923, Meeting ID 938 2481 8427 followed by "#".**

1. Warrant Article Public Hearings 2020 Special Town Meeting

Beginning at **ARTICLE 19**
7:00 p.m. **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)

ARTICLE 18
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)

- 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

Warrant Article Public Hearings 2020 Special Town Meeting

Summary:

Beginning at
7:00 p.m.

ARTICLE 19

ZONING BYLAW AMENDMENT/ACCESSORY DWELLING UNITS

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ARTICLE 18

ZONING BYLAW AMENDMENT/IMPROVING RESIDENTIAL INCLUSIVENESS, SUSTAINABILITY, AND AFFORDABILITY BY ENDING SINGLE FAMILY ZONING

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

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ATTACHMENTS:

Type	File Name	Description
Reference Material	Item_1_STM_2020_Zoning_Bylaw_Amendments_10-8-20.pdf	STM 2020 Zoning Bylaw Amendments
Reference Material	Item_2_Main_Motion_ADU_102120_.pdf	ADU Main Motion
Reference		Memo to ARB regarding
Material	Item_3_DPCD_Memo_to_ARB_regarding_Warrant_Articles_18_and_19.pdf	Warrant Articles 18 and 19
Reference		Proposed Main

Reference Material	Proposed_Main_Motion_for_Article_18.pdf	Motion for Article 18
Reference Material	Item_4_WarrantArticle18_2020TM_2020-10-21.pdf	Warrant Article 18 Map
Reference Material	Item_5_2020_10_22_SFZ_Presentation.pdf	Single Family Zoning Presentation
Reference Material	Correspondence_received_from_B_Thornton_received_10252020_with_attachment.pdf	B. Thornton Correspondence 10252020 with attachment
Reference Material	Attachment_received_from_B.Thornton_10252020.pdf	Attachment received from B. Thornton 10252020
Reference Material	Correspondence_received_from_C._Loreti_10262020.pdf	Correspondence from C. Loreti received 10262020
Reference Material	Correspondence_received_from_C_Sciuto_102320.pdf	C Sciuto Correspondence 10232020
Reference Material	Correspondence_received_from_E._Pyle_10262020.pdf	Correspondence from E.Pyle received 10262020
Reference Material	Correspondence_received_from_J._Krechmer_102320.pdf	J. Krechmer Correspondence 10232020
Reference Material	Correspondence_received_from_J._Lewis_10262020.pdf	J. Lewis Correspondence 10262020
Reference Material	Correspondence_received_from_N_Mann_102320.pdf	N Mann Correspondence 10232020
Reference Material	Correspondence_received_from_W._Evans_10252020_with_attachment.pdf	W. Evans Correspondence 10252020 with attachment
Reference Material	Attachment_received_from_W._Evans_102520.pdf	Attachment received from W. Evans 10252020



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.

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 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)

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.¹

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

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.

¹ Arlington Zoning Bylaw, Section 5.6.1(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 yards², 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".

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.

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 Minneapolis³ and the state of Oregon⁴ 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 1917.⁵ 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.⁶ The idea was furthered by the Home Owners Loan Corporation of America's (HOLC's) redlining maps (created between 1935 and 1940)⁷, and the Federal Housing Administration's (FHA's) mortgage insurance policies from 1934--1968.⁸ 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--1968.⁹ 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.

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.¹⁰ 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.¹¹ 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 Project¹² 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.¹³

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 homes¹⁴; 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.¹⁵ 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

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

11 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>

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

13 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.

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

15 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)¹⁶ 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.¹⁷ 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.¹⁸

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

¹⁶ Land area percentages provided by the Department of Planning and Community Development.

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

¹⁸ 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,¹⁹ and the economic analysis of Arlington's industrial districts gives a net increase of one new student for every 20 new condominiums.²⁰ 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.

¹⁹ *Alewife District Plan*, pg 145. Retrieved from https://www.cambridgema.gov/-/media/Files/CDD/compplan/envisioncambridgefinalplan/20191022_Alewife.pdf

²⁰ *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)

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

Zoning Map Amendments: Rezone Town Property

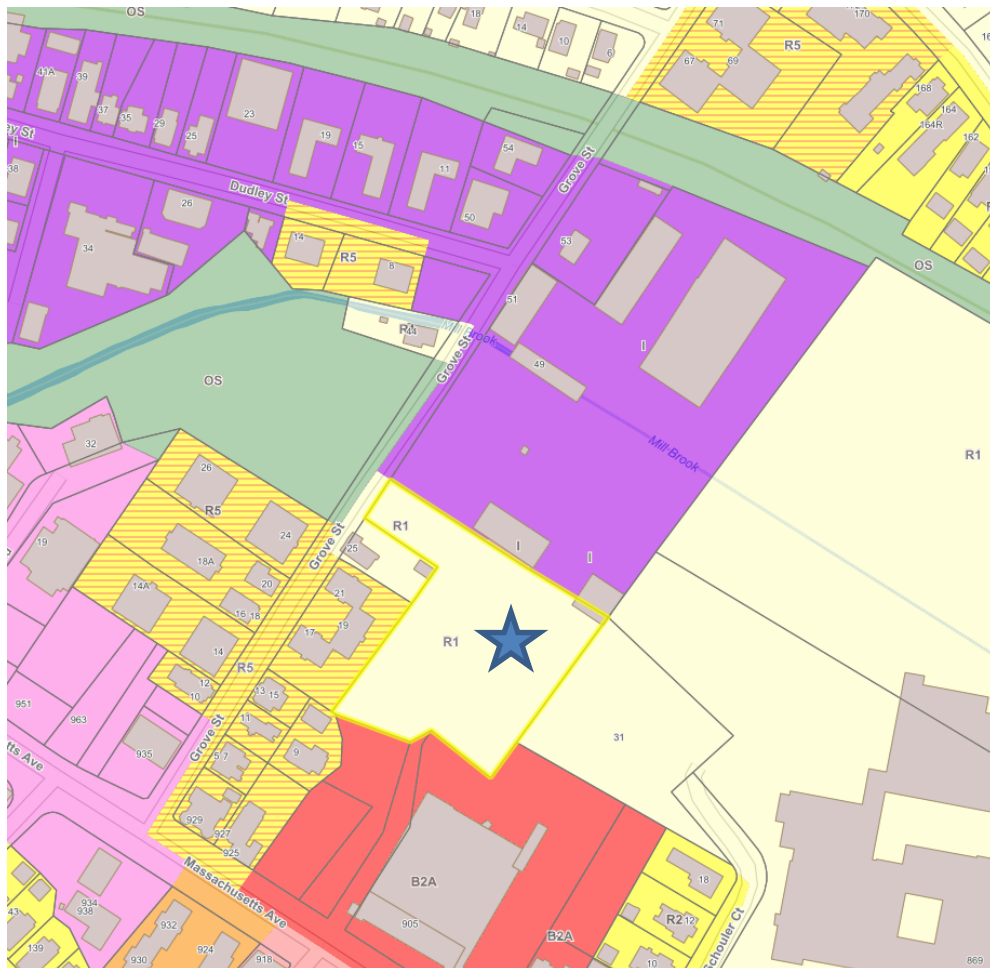
ARTICLE _

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.



Main Motion for Accessory Dwelling Units Article

Voted: that the zoning bylaw of the town of Arlington be amended by adding the text “to encourage housing for persons at all income levels and stages of life”;

to Section 1.2 Purposes, so that the section reads as follows:

The purpose of this Bylaw is to promote health, safety, convenience, morals and welfare of the inhabitants of the Town of Arlington; to lessen congestion in the streets; to conserve health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to encourage housing for persons at all income levels; to encourage housing for persons at all income levels and stages of life; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to protect and preserve open space as a natural resource, for the conservation of natural conditions for flora and fauna and to serve as urban amenity for scenic and aesthetic enjoyment and recreational use; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the Town; to achieve optimum environmental quality through review and cooperation by the use of incentives, bonuses and design review; and to preserve and increase its amenities and to encourage an orderly expansion of the tax base by utilization, development, and redevelopment of land. It is made with reasonable consideration to the character of the district and to its peculiar suitability for particular uses, with a view to giving direction or effect to land development policies and proposals of the Redevelopment Board, including the making of Arlington a more viable and more pleasing place to live, work, and play.

To add the following definition to Section 2.5 Definitions Associated with Dwelling:

Apartment Building: A multi-family building designed or intended or used as the home or residence of four or more households, each in a separate dwelling unit, living independently of each other and who may have a common right in halls and stairways.

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 requirements.

Dormitory: A dwelling, under the ownership or control of an educational, charitable or philanthropic organization which provides separate rooms or suites for the semipermanent occupancy of individuals or groups of up to four individuals per room, with common bath and toilet facilities and without individual cooking facilities.

To add the Accessory Dwelling Units as an “as of right” use.

5.4.2 Dimensional and Density Requirements

E. Accessory Dwelling Units in single-family dwellings and two-family dwellings in all Residential Districts shall:

1. maintain 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; and

2. not exceed 50% of the floor area of the principal dwelling.

5.4.3 Use Regulations for Residential Districts

Class of Use	R0	R1	R2	R3	R4	R5	R6	R7
Single family detached dwelling	Y	Y	Y	Y	Y	Y	Y	Y
<u>Accessory Dwelling Unit</u>	Y	Y	Y	Y	Y	Y	Y	Y



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, Dept. of Planning and Community Development/ kl/ ez
Date: October 22, 2020
RE: Review of Warrant Articles 18 and 19 for 2020 Special 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 two articles with public hearings for the evening of October 26th. 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 Benjamin Rudick and 10 registered voters:

**Article 18 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 the Benjamin Rudick and 10 registered voters)

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

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

- **Affects Land Use in Low Density Residential Districts (R0 and R1)**

The petitioner notes that the majority of land in Arlington is zoned for residential use, with 60% of total land area falling within the R0 and R1 Zoning Districts. Of Arlington's land zoned for residential use, 80% is restricted to single-family homes. Arlington has very little undeveloped land within its residential districts: within R0 and R1 districts, 31 parcels are classified by the land use code "Developable" or "Potentially Developable."

The proposed amendment would expand the ability of property owners to create additional housing within these two districts by allowing existing structures to be converted to two-family structures by right. It would also permit structures in R0 and R1 districts to be redeveloped from single-family to two-family homes by right so long as the new development complies with the dimensional requirements of the Zoning Bylaw. Special permits could be granted for the

creation of six or more units in a two-family structure or the development of contiguous duplexes on one more lots. Note that the dimensional requirements for each zoning district would remain the same, requiring any additions or new construction to comply with the allowable dimensional requirements for their respective zoning district.

- **Relevant to broader regional and national conversations around zoning and housing**

In recent years, communities in the Greater Boston region and around the United States have initiated discussions around single-family zoning and its relationship to residential segregation (racial and economic), structural racism, climate change, housing shortages, affordability, equity, and inequality. Proposals to eliminate or reduce single-family zoning have been passed into law in Minneapolis¹, Seattle² (LINK), and the State of Oregon³ (LINK). Similar proposals were considered in California,⁴ Virginia,⁵ and are being considered in Nebraska.⁶

Legalizing moderate-density housing differs from eliminating single-family homes. Proponents of these proposals note that the goal of such zoning amendments is not to eliminate single-family homes—property owners can keep their homes as-is—but rather to expand the ability of communities to allow for a greater diversity of housing typologies in low-density residential zoning districts. Their argument is that by allowing for a diversity of housing types and sizes, communities would also see a broader range of housing costs as units in two or more family structures tend to cost significantly less than single-family homes. In a recent study by Boston Indicators, the estimated cost savings provided by a townhouse or condominium over new single-family detached homes in Arlington’s peer communities of Melrose and Needham ranges from \$560,340 to \$867,459.⁷

- **Properties and Parcels Subject to Review within the R0 and R1 Zoning Districts**

Single-family homes occupy 93% (505) of the 541 parcels in the R0 district and 93% (6,793) of the 7,306 parcels in the R1 district. Department of Planning and Community Development (DPCD) staff worked with the Town’s Director of GIS/ Systems Analyst to assess which properties would be subject to additional review by the Zoning Board of Appeals (ZBA), the Conservation Commission, or the Historic Districts Commission (AHDC).⁸ Table 1 provides data on the number of properties in the R0 and R1 districts that under the proposed amendment that could be converted to or redeveloped as two-family structures by right.

¹ New York Times, *Minneapolis, Tackling Housing Crisis and Inequality, Votes to End Single-Family Zoning*, 12/13/2018: <https://www.nytimes.com/2018/12/13/us/minneapolis-single-family-zoning.html>

² Seattle.gov, *Ordinance relating to Mandatory Housing Affordability*, <https://seattle.legistar.com/LegislationDetail.aspx?ID=3840745&GUID=7E5F305E-10DA-41F3-AE5D-66E3CAEB81B1&Options=Advanced&Search=>

³ Bloomberg CityLab, *Oregon’s Single-Family Zoning Ban Was a ‘Long Time Coming’*, 7/2/2019: <https://www.bloomberg.com/news/articles/2019-07-02/upzoning-rising-oregon-bans-single-family-zoning>

⁴ California Senate Bill 50

⁵ Virginia House Bill 152

⁶ Nebraska’s Legislative Bills 794 and 866

⁷ Boston Indicators, *Zoned Out*, <https://www.bostonindicators.org/reports/report-website-pages/zoned-out>

⁸ Properties on the *Inventory of Historically or Architecturally Significant Properties in the Town of Arlington* are not included in this analysis, as although major additions or demolition may be subject to demolition delay, such project can ultimately completed after twelve months with or without Arlington Historical Commission approval.

Table 1: Properties in R0 and R1 Zoning Districts				
	Total single-family structures	Properties meeting min. lot size and frontage reqs ⁹	Properties requiring Conservation Commission review	Properties within a local historic district
R0 Zoning District	505	400	58	0
R1 Zoning District	6,793	3,386	686	195

Of the 505 properties in the R0 district, 353 (70%) single-family structures could be redeveloped by right without requiring additional review by a separate board or commission. In the R1 district, 2,903 (43%) single-family structures could be redeveloped by right.

The attached map highlights the location of these parcels. While there remain a substantial number of parcels that could be converted to two-family structures by right, an existing conditions memo for the ongoing Residential Design Guidelines project notes that Poets Corner, Arlington Heights near Route 2, Mount Gilboa/Turkey Hill, Kelwyn Manor, and sections of Morningside have seen a higher level of redevelopment in the last ten years.¹⁰ (pg 10).

- **Potential for Replacement or Redevelopment of Single-Family Structures**

In the *Report on Demolitions and Replacement Homes*,¹¹ DPCD identified two conditions that have led to the demolition and replacement of homes in the last decade: structures located on lots large enough to be subdivided, and older, smaller properties that often do not meet modern owners' lifestyle preferences.

Subdividable Parcels

Of the parcels in the R0 and R1 zoning districts, 409 (5.2% of all parcels in those districts) meet minimum lot sizes to be subdivided. The majority of these parcels (364) are in the R1 zoning district. However, as in the analysis of parcels above, a considerable portion of these parcels cannot be developed by right because they are located in an historic district or subject to review by the Conservation Commission, or in some cases, both. Of the parcels that do not fall within these two circumstances, another subset of parcels do not have adequate frontage to be subdivided. After subtracting parcels that carry any of these three conditions from the analysis, 81 parcels are shown to be subdividable by right. A breakdown of these parcels is below.

⁹ These numbers may be higher than actual and are intended to provide a blunt picture of the number of pre-existing nonconformities in Arlington's residential zoning districts. Due to time limitations and information available in the Town's GIS database, additional conformance with the Zoning Bylaw's height, setbacks, and open space dimensional requirements could not be calculated for this analysis.

¹⁰ Harriman, *Existing Conditions Analysis*, pg. 10: <https://www.arlingtonma.gov/home/showdocument?id=51968>

¹¹ [DPCD Report on Demolitions and Replacement Homes](#), pg. 24.

Table 2: Subdividable Parcels							
Total Parcels		Large Parcels	Parcels in Historic Districts	Conservation Review Required	Inadequate Frontage	Potentially Subdividable by Right	
Zoning	Total ¹²	Total	Total	Total	Total	Total	% of Total
R0	541	45	0	18	30	13	2.4%
R1	7,306	364	66	90	269	68	0.93%
Total	7,847	409	66	108	299	81	1.03%

This analysis was based on GIS parcel data only. It did not take into account the slope of individual properties, access to utilities or a public right of way, or similar factors that may limit the ability to subdivide a parcel.

Older, Smaller Properties

A separate measure of whether a property is more likely to be replaced is to identify smaller, older single-family homes where there is an incentive for an owner to tear down a small home and replace it with one that maximizes the available square footage within the zoning restriction.

Using 1980 as a threshold for structure age, 1,500 square feet finished area as a threshold size,¹³ and the minimum required lot sizes and frontages for each zoning district, DPCD identified 578 homes that meet these thresholds. Of these homes, eight are located in a local or national historic district, and 67 are subject to review by the Conservation Commission; subtracting those homes from the analysis yields a final count of 505 single-family homes that could be considered desirable for replacement. A breakdown of relevant datapoints for those homes is included in table 3 below.

¹² These totals reflect all land uses within the R0 and R1 districts, unlike those in Table 1 which reflect only parcels with a Land Use Code of 101.

¹³ 1,500 square feet was selected as a threshold as it is roughly half of the average square footage of newly constructed homes in the R1 zoning district.

Table 3: Older, Smaller Single-Family Homes in R0 and R1 Districts

	All Homes		Older, smaller homes not subject to additional review	
	R0	R1	R0 district	R1 district
Total	505	6,793	10	495
Median year built	1954	1940	1953	1951
Median square footage	2,616	1,836	1,444	1,343
Median assessed value	\$969,600	\$766,600	\$733,750	\$671,800
Median land value	\$526,400	\$445,800	\$521,600	\$442,100
Land value as a proportion of total value	54%	58%	71%	66%

These homes represent a small portion of properties in the R0 district (2%), and a slightly larger proportion of properties in the R1 district (7.3%%). There is potential for smaller, older homes to be replaced with new two-family structures under the proposed amendment, particularly in the R1 district. However, the factors that lead to these homes being considered desirable for replacement is not a new consideration that would be introduced by the proposed amendment; such properties can and sometimes are redeveloped as single-family structures under Arlington's current zoning.

- **Current Rates of Demolition and Large Additions**

Between 2010 and 2020, 255 permits were issued in Arlington for substantial residential construction projects in Arlington's low-density zoning district: 203 for demolitions and 52 for major renovations. On average, 27 permit applications were filed each year. During the same ten-year period, 60 permit applications were processed for demolition permits to replace a single-family home with a two-family home in the R2 district, a rate of six converted properties a year.

- **Real Estate Turnover in Arlington**

The ability to demolish and replace single-family structures with new single or two-family structures is limited by several factors. First, as outlined above, existing nonconformities and review processes serve as barriers to simple, by right, redevelopment, either lengthening the process or deterring redevelopment of those properties entirely. Second, turnover of homes in Arlington's real estate market is low. According to MLS data, a median of 277 single-family homes are sold in Arlington each year.¹⁴ Third, Arlington property owners tend to stay in their homes for many years. Data from an analysis of assessor's records for properties that were demolished or substantially renovated between 2010 and 2020 reveals that the median tenure of the resident who owned a home prior to the purchaser who ultimately demolished or renovated it was 23 years. The middle 50% of sellers lived in their home between 12 to 40 years.

¹⁴ MLS Total Sold Market Statistics reports for years 2000, 2005, 2010, 2015, and 2018 run by Steve McKenna of The Home Advantage Team on 1/10/2019 and reported in the *Report on Demolition and Replacement Homes*.

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

Article 19 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 staff provides the following additional considerations relevant to this article:

- **Substantially different than previous proposals**
This amendment is substantially different than the previous accessory dwelling unit proposals considered by Town Meeting. In particular, the amendment considered by the 2019 Town Meeting required a special permit for the use and was limited to the R0 and R1 Zoning Districts; this amendment allows Accessory Dwelling Units (ADUs) by right in single- and two-family dwellings in any residential district.
- **Why allow Accessory Dwelling Units?**
ADUs provide a number of benefits to property owners: allow additional flexibility on using space within the home; allow for options that may create supplementary income; allow aging in place or multigenerational families on the property; and increase long-term rental housing opportunities while balancing potential impacts to existing neighborhoods. These benefits are consistent with the goals of the Housing Production Plan, and are encouraged to facilitate a range of housing types to help meet the needs of specific demographics, such as seniors, multi-generational households, individuals with disabilities, low-to-middle income family households, and singles (p. 60).

- **Scope of Article**

While the warrant article is somewhat unclear, the main motion clarifies that the petitioner is allowing accessory dwelling units in single- and two-family dwellings only in any residential district by right. The ADU must be attached to the primary dwelling (i.e., a garage could not be converted to an ADU under this article) and cannot be larger than 50% of the floor area of the primary dwelling. Additionally, the unit must be compliant with the State Building Code and Fire Safety Code. Finally, all density and dimensional requirements will apply and do not change.

- **How many Accessory Dwelling Units will be created?**

*The State of Zoning for Accessory Dwelling Units*¹⁵ provides an excellent overview of how Massachusetts municipalities choose to allow or not allow ADUs. This study highlights the fact that even when municipalities allow ADUs by right with some limitations as is the case in this amendment, the actual number of units that are created is still quite low. The report states that, "...2.5 units on average are permitted annually per municipality that allows ADUs (including those that are restricted to relatives)." There is also a high cost of constructing the space that meets the requirements of building and safety codes, which may limit to who would actually take on the construction. These facts coupled with the number of units generated from similar zoning bylaws in other municipalities demonstrate that there would be likely minimal impact on the residential zoning districts.

- **Preservation of existing housing**

Accessory Dwelling Units provide financial and social incentives for owners to preserve the façade of existing housing, thereby maintaining the appearance of the streetscape while increasing the number and range of housing options.

- **Supports Arlington Families**

ADUs have the potential to support families in Arlington throughout life stages. By developing an ADU on a property, middle-age homeowners have the ability to provide independent housing to their adult children, who then have the ability to live in Arlington at lower or more affordable rental rates. They also provide middle-age homeowners with the flexibility to invite aging parents to move in and provide them material, physical, and emotional support. As homeowners grow older, ADUs permit seniors to live in intergenerational housing while remaining in their home, access a new income stream, or live independently while inviting their adult children to move into the home.

- **Consistency with the Housing Production Plan (HPP)**

The Housing Production Plan adopted by the Select Board and Redevelopment Board and approved by the Massachusetts Department of Housing and Community Development in 2016 identifies various regulatory and zoning amendments in order to create and preserve affordable housing in Arlington. The plan identifies zoning amendments to allow for ADUs as a method to facilitate development of a range of housing types to help meet the needs of specific demographics, such as seniors, multi-generational households, individuals with disabilities, low-to-middle income family households, and singles (p. 60).

¹⁵ <https://ma-smartgrowth.org/wp-content/uploads/2019/01/ADU-MSGA-Pioneer-paper-2018.pdf>

Proposed main Motion for Article 18

Voted, that the Zoning Bylaw of the Town of Arlington be amended as follows:

- By adding the letter "Y" to the "Use Regulations for Residential Districts" table in Section 5.4.3, in the row labeled "Two family dwelling, duplex", and under the columns labeled "R0" and "R1";
- By adding the letters "SP" to the "Use Regulations for Residential Districts" table in Section 5.4.3, in the row labeled "Six or more units in two-family dwellings or duplex dwelling on one or more contiguous lots", and under the columns labeled "R0" and "R1",

so that the first three columns of said rows read as follows:

Class of Use	R0	R1	R2
Two-family dwelling	<u>Y</u>	<u>Y</u>	Y
Six or more units in two-family dwellings or duplex dwelling on one or more contiguous lots	<u>SP</u>	<u>SP</u>	SP

and, by making the following changes to the definitions of the R0 and R1 districts in Section 5.4.1(A):

R0: Large Lot ~~Single-Family Residential~~ District. The Large Lot ~~Single-Family Residential~~ District has the lowest residential density of all districts and is generally served by local streets only. The Town discourages intensive land uses, uses that would detract from the ~~single-family~~ residential character of these neighborhoods, and uses that would otherwise interfere with the intent of this Bylaw.

R1: ~~Single-Family~~ R1 Residential District. The predominant uses in R1 are single- and two-family dwellings and public land and buildings. The Town discourages intensive land uses, uses that would detract from the ~~single-family~~ residential character of these neighborhoods, and uses that would otherwise interfere with the intent of this Bylaw.

The information shown on this map is from the Arlington Geographic Information System (GIS) database and is intended for informational purposes only. The Town of Arlington has made reasonable efforts to ensure accuracy of the content, but does not guarantee the accuracy of the information. Users are responsible for determining its suitability for their intended use or purpose.

Map for planning purposes only, created by the Arlington GIS Office, last update 10/21/2020.

Warrant Article 18 Town Meeting 2020

Town of Arlington, MA

- R0 Zoning By Right
- R1 Zoning By Right
- Further Review Required
- Water Body
- Brook / Stream (surface)
- Brook / Stream (subsurface)
- Town Boundary
- Minuteman Bikeway



Lexington

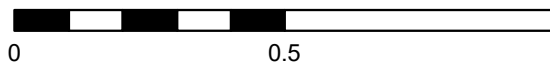
Winchester

Medford

Somerville

Belmont

Cambridge



1 Mile

64 of 72

Proposal: Allow Two Families Everywhere

- **79%** of Arlington's residential land is reserved exclusively for single family homes – nothing else can be built
- We propose allowing two-families to be built by right in these areas; no other changes to heights, setbacks, etc.
- **Four key reasons:**
 1. Addressing a racist legacy
 2. Improving environmental sustainability
 3. Increasing housing choice
 4. Allowing for more affordable homes
- This has already happened in several places around the U.S., but we can be the first in Massachusetts

Single Family Zoning has a Troubled Past

- **1917:** Supreme court rules racially-based zoning unconstitutional
- **1920s:** Towns, as encouraged by the federal government, use single family zoning and other “snob zoning” to continue to exclude the poor, minorities, and other undesirable groups via economic, “race-blind” means
- **1930s-1960s:** Most of Arlington’s single-family stock is built, during which the Fair Housing Association (FHA) is the primary mortgage underwriter. FHA was in the business of providing mortgages to white families and explicitly avoided the “inharmonious mixing of races”

Result: Arlington develops as an overwhelmingly white Town, mostly consisting of single-family homes

Segregationist Intent Was Clear Then

“A Select Location for Single Family Homes in a Refined and Restricted Community” – West Medford

“Arboretum Heights is carefully and suitably restricted to single family homes, with other restrictions to create and maintain an agreeable residential community” – Jamaica Plain

“These homes are situated in a highly restricted residential section....” - Waltham

A SELECT LOCATION FOR SINGLE FAMILY HOMES
In a refined and restricted community
BROOKS ESTATES
WEST MEDFORD
On Mystic Valley Drive and Grove St.

Arboretum Heights
Jamaica Plain
Arboretum Heights is located on sunny Green Hill, just five miles from City Hall, Boston, in Jamaica Plain, off Centre Street, just a couple's walk from the Arboretum of the Metropolitan Parkway system. The Winchester Road entrance to Arboretum Heights is just directly opposite the Centre Street gateway to the Arnold Arboretum.
Arboretum Heights towers 265 feet above the sea, affording a wonderful panorama of City, Harbor, and Blue Hills, within a short distance of high schools, grammar schools, private schools, churches and within only a few minutes of the business shopping center of Jamaica Plain.
Stately, modern detached houses, each at all four entrances of Arboretum Heights, face being only 100 to any part of greater Boston, Boston's best recreation parks are but a short distance from Arboretum Heights, where all may enjoy summer and winter outdoor games and sports.
Arboretum Heights is carefully and suitably restricted to single family homes only, with other restrictions to create and maintain an agreeable residential community.
Houses are now being laid out to grades approved by the City Engineer, and this beautiful tract of 25 acres is now open for inspection.
HOME LOTS AS LOW AS \$700
NEIL McINTOSH

OPEN TODAY
Single Homes
RANGELY ACRES
WALTHAM
FEATURING
• 3-ROOM HOMES
• COMPLETELY INSULATED
• AIR CONDITIONED
• GAS HEAT
• NICELY LANDSCAPED
\$5700-\$6000
DIRECTIONS—Off Main St., half way between Watertown St. and Waltham Center; enter on Barclay Road; tel. WALTHAM 3232.
PAUL LIVOLI
Developer
GEORGE G. MARQUIS
Sales Manager

Headline: “Hot Debate Under Newton Zoning Law - Class Legislation is Charged at Meeting”

1926
HOT DEBATE UNDER NEWTON ZONING LAW
“Class Legislation” Is Charged at Meeting
NEWTON, Aug 10—A debate over the...
37 of 72

...and still is now!



Donald J. Trump ✓

@realDonaldTrump



At the request of many great Americans who live in the Suburbs, and others, I am studying the AFFH housing regulation that is having a devastating impact on these once thriving Suburban areas. Corrupt Joe Biden wants to make them MUCH WORSE. Not fair to homeowners, I may END!

AFFH = Affirmatively
Furthering Fair Housing

9:20 PM · Jun 30, 2020



82.5K



38.8K people are Tweeting about this

“[Democrats want] to **eliminate single-family zoning**, bringing who knows into your suburbs, so your communities will be unsafe and your housing values will go down.” – Trump, July 2020

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Other Advantages

Two Family Zoning is Better for the Environment

- Smaller homes in shared structures have a lower carbon footprint per person than an equivalent single-family homes (carpooling vs. driving by yourself)
- If we don't provide housing here in Arlington, people will be forced further out and have longer commutes = increased emissions

Two Family Zoning Increases Housing Choice

- Single family homes aren't suitable for everyone at all stages in their lives; some people can't afford it, while others may want to downsize but stay in Town. We need more (and more diverse) housing choice

Two Family Zoning Improves Affordability

- Homes will still get torn down; do we want them replaced with a big single family, or a big duplex?
- Replacing a single family with a two family doubles the housing stock (and increases the tax revenue); the impacts are spread out across Town

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Addresses Key Issues of “Article 16”

No issues with height and shadows

- Not changing dimensional regulations – just allowed uses

Impacts are spread out

- Not just along Mass Ave; the new housing is spread out across 61% of the Town’s area

Displacement

- Developing Mass Ave drew concern over renter displacement
- This change impacts single family homes, 95% of which are owner-occupied

Any Change is Going to Be Gradual

- Currently, we have 27 teardowns a year on average over the last 10 years. We’d expect this regulation to double that pace, so ~54 per year, still small in a town with over 40,000 people

Bonus: A Tour of Arlington's Non-Conforming Homes in Single Family Districts

(Two Family Homes are Already Here)

Summer St.



163-165, 159-161 Summer St.
Two family homes



463-465, 459-461 Summer St.
Two family homes

Westminster Ave



58-58 Westminster Ave (Gray House)
Two-family tucked in between several single-family

Park Ave



172-174 Park Ave (two family)
176 Park Ave (condominums)



176 Park Ave (condominums)
Single family (conforming) house on right

Hillside Ave

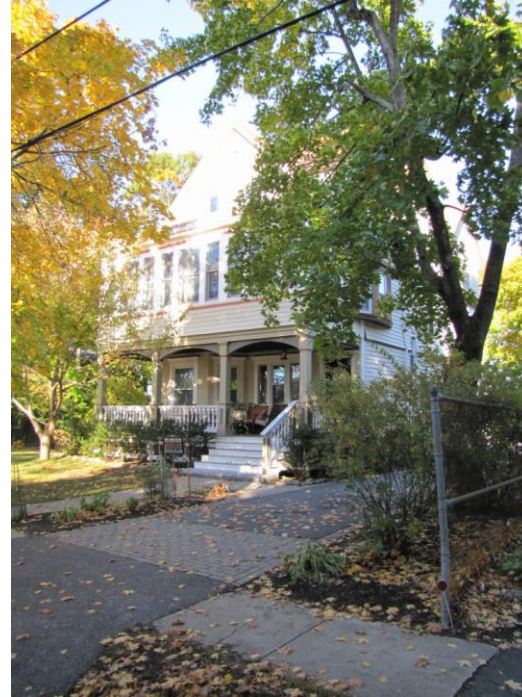


49-51, 45 Hillside Ave
Each has a pair of condominiums

Wachusett Ave



13-15 Wachusett Ave
Condominiums



12 Wachusett Ave
Two-family

Newport St.



13-15 Newport St
(Condominiums)
11 Newport St. (two-family)



11, 5-7 Newport St.
Two-family,
condominiums

Mt. Vernon St.



62-64 Mt. Vernon
(condominums)
66-68 Mt. Vernon (two-family)



72 Mt. Vernon St.
Three
condominums

Irving St.



9 Irving St.
Two
condominums

Jason St.



37-39 Jason St.
Two-family



30-32 Jason St.
Two-family

Jason St. (cont.)



122, 124 Jason St., Two-family

Pleasant St



141-143, 137-139 Pleasant St.
Condominiums

Thank you!

(Prepared by Ben Rudick and Steve Revilak)

 **Fwd: ADUs Presentation for ARB 10**         more ▾

➤ from **Jenny Raitt** to **Mary Muszynski** <MMuszynski@town.arlington.ma.us>

10/26/2020 0

Begin forwarded message:

From: Barbara Thornton <bthornton@assetstewardship.com>
Date: October 25, 2020 at 9:57:39 PM EDT
To: Jenny Raitt <JRaitt@town.arlington.ma.us>, Erin Zwirko
<EZwirko@town.arlington.ma.us>
Subject: ADUs Presentation for ARB 10/26

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Jenny and Erin -

Attached is my presentation.

Thanks,
Barbara

BARBARA THORNTON | Founder/ CEO

[617.699.2213](tel:617.699.2213)

AssetStewardship.com

[@assetstewards](#) [LinkedIn](#)

Offering best practices to enhance our public assets through stewardship
of our urban future using government, technology & private sector collaboration.

➤ **2 Attachments**

 **Download zip file** (total ~ 228 kB)

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Accessory Dwelling Units

Presented by Barbara Thornton, TMM, Precinct 16

This Article 19 proposes to allow Accessory Dwelling Units, “as of right”, in each of the 8 residential zoning districts in Arlington.

Why is this zoning legislation important?

Arlington is increasingly losing the diversity it once had. It has become increasingly difficult for residents who have grown up and grown old in the town to remain here. This will only become more difficult as the effects of tax increases to support the new schools, including the high school, role into the tax bills for lower income residents and senior citizens on a fixed income. For young adults raised in Arlington, the price of a home to buy or to rent is increasingly out of reach.

Who does it benefit?

1. To provide flexibility for families as their needs change over time and, in particular
 - ✓ provide options for older adults to be able to stay in their homes and
 - ✓ for households with disabled persons;
2. To increase the diversity of housing choices in the Town while respecting the residential character and scale of existing neighborhoods;
3. To provide a non-subsidized form of housing that is generally less costly and more affordable than similar units in multifamily buildings;
4. To add housing units to Arlington’s total housing stock with minimal adverse effects on Arlington’s neighborhoods.

What authority and established policy is this built on?

Arlington’s Master Plan is the foundational document establishing the validity and mission for pursuing the zoning change that will allow Accessory Dwelling Units.

Under Introduction in Part 5, Housing and Residential Development, the Master Plan states:

Arlington’s Master Plan provides a framework for addressing key issues such as affordability, transit-oriented residential development, and aging in place.

The Master Plan states ***that the American Community Survey (ACS) reports that Arlington's housing units are slightly larger than those in other inner-suburbs and small cities. In Arlington, the median number of rooms per unit is 5.7.*** There is a great deal of difference in density and housing size among the different Arlington neighborhoods. The generally larger size of homes makes it easier to contemplate a successful move to encourage ADUs.

What do other municipalities do?

According to a study (<https://equitable-arlington.org/2020/02/16/accessory-dwelling-units-policies/>), by 2017 65 out of 101 municipalities in the greater Boston (MAPC) region allowed Accessory Dwelling Units by right or by special permit. The average number of ADU's added per year was only about 3. But by 2017, Lexington had 75 ADUs and Newton had 73. Both of these communities were among about 10 "as of right" municipalities in the MAPC region. This finding suggests that communities with more restrictions are less likely to see any significant affordable housing benefits.

Even in the midst of a housing crisis in this region, according to Amy Dain, housing expert, (<https://equitable-arlington.org/2020/02/18/zoning-for-accessory-dwelling-units/>) most municipalities still have zoning laws that restrict single family home owners from creating more affordable housing.

And this is despite the fact that, as according to Banker & Tradesman, March 10, 2020: <https://www.bankerandtradesman.com/63-percent-in-greater-boston-back-adus/>, 63% of people in the region approve of ADUs. California has recently passed strong pro-ADU legislation. A study by Zillow further corroborated this strong interest in communities across the US, including our region. <https://equitable-arlington.org/2020/03/10/adu-popularity/>.

From: "Jenny Raitt" <JRaitt@town.arlington.ma.us>
 To: "Mary Muszynski" <MMuszynski@town.arlington.ma.us>
 Date: Mon, 26 Oct 2020 12:08:52 -0400
 Subject: Fwd: Comments on Articles 19 and 19

Begin forwarded message:

From: Chris Loreti <cloreti@verizon.net>
Date: October 26, 2020 at 12:00:35 PM EDT
To: Rachel Zsembery <RZsembery@town.arlington.ma.us>, "KLau@town.arlington.ma.us" <KLau@town.arlington.ma.us>, "EBenson@town.arlington.ma.us" <EBenson@town.arlington.ma.us>, "DWatson@town.arlington.ma.us" <DWatson@town.arlington.ma.us>, Christian Klein <cmqklein@gmail.com>, Jenny Raitt <JRaitt@town.arlington.ma.us>
Subject: Comments on Articles 19 and 19

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Dear ARB Chair Zsembery and ARB Members:

I am writing to offer some preliminary comments on the warrant articles to be heard by the ARB this evening. These comments are primarily procedural. I will provide more substantive comments during the hearing.

Article 18

This article effectively redefines the R0 and R1 zoning districts as the R2 district. I believe this amounts to a zoning map change, and as such the provisions of Section 1.5 of the Zoning Bylaw apply. Have the proponents demonstrated that the notice required by this section has been provided? In addition, Section 12.01 in the bylaw prior to recodification provided that non-resident property owners be notified of zoning use changes to their property. Has that provision of the bylaw been complied with if it is still in effect?

Article 19

The staff memo indicates that accessory dwelling units will not be allowed in garages under this article. I can find no language in the proposed main motion to indicate this. On the contrary, an ADU is defined as "being on the same premises as the principal dwelling..." Arlington's zoning bylaw does not contain a definition for "premises." Webster's defines it as: "a tract of land with the buildings thereon." Thus, being on the same premises means on the same lot. The ADU could be in a garage or any other accessory structure.

Since Arlington's zoning bylaw allows garages to be built up to 20 feet high with no setback, this means the ADU could be built just a few feet from neighboring homes, or in the case of two converted garages, within an arm's lengths of each other. This is not acceptable.

General

MGL 40A Section 5 requires that before the ARB amends the zoning bylaw a public hearing is held so that "interested persons shall be given an opportunity to be heard." The point is that the ARB hears from the public before making up its mind on the articles. For that reason, I ask that you not solicit opinions from the ARB members on the articles until all members of the public have been afforded the right to speak. Indeed, that is why the ARB closes the public hearing and then deliberates. To do otherwise prejudices

both the public comments and the comments of the other board members with opinions that have not been informed by hearing the public.

Thank you for considering these comments. I expect to have more this evening.

Christopher Loreti
56 Adams St.
Arlington

From: Corey Sciuto <corey.sciuto@gmail.com>
To: jraitt@town.arlington.ma.us
Date: 10/23/2020 12:00 PM
Subject: Public comment on Articles 18 and 19

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To Jennifer Raitt and the members of the Arlington Redevelopment Board:

I am submitting a statement in support of Article 18 and Article 19, being articles to end single family zoning and provide for accessory dwelling units.

My fiancée and I arrived in Arlington in 2017 from North Middlesex and quickly fell in love with the community. We are renting a top floor unit in a two-family home in Arlington Heights, from which we have easy access to shops, walking trails, and the regional public and automotive transportation networks. The unit itself is handsome, spacious, and well-lit. We are both professionals, myself, a software engineer, and my fiancée, a manager in public health. We are looking forward to a family.

However, we are getting married tomorrow (excuse the rushed email, we have been busy!) after which we plan to look at buying a home. Our future in this community is in jeopardy. As you know, home ownership has long been considered a vital component of financial security for middle-class Americans. While it's often said that all Americans consider themselves middle class, I think that it is fair to say that nearly all housing in Arlington is growing outside the reach of almost anyone who could be considered even upper middle class, as single family homes and even condoized flats in duplexes surpass incomes that only a sliver of residents of Greater Boston could afford, even with a generous downpayment (which, nearly by definition, excludes younger would-be homeowners).

Something has to change, regionally, or the socioeconomic makeup in this town is going to continue to shift drastically. Arlington has an opportunity here to set an example as it is already quite dense (although not as dense as detractors make it out to be) and well-served by the necessary infrastructure.

The two-family home I am in is one of a handful on single-family Williams Street, and is an obvious, older, conversion from a single family. Due to current zoning, building one just like it next door or across the street would be illegal. The attractive new duplexes at the foot of Williams on Arnold are in R1 by one street number. Regardless, likewise, it would be illegal next door to itself without variance. It's clear from the patchwork zoning map in my little section of town that Arlington purposefully downzoned this neighborhood at some point. Mr. Revilak informs me it was in the 1970s. Adapting these articles, in many ways, just reverses that policy and allows Arlington to continue growing along with our metropolitan area, without becoming increasingly exclusive. As a white person

complaining about housing prices, I feel out-of-place saying this, but this strikes me as firmly at-odds with our stated commitment to racial justice.

I strongly urge you to consider Mr. Rudick's and Ms. Thornton's articles. A community is the people in it, not just the buildings present. Arlington can continue physically looking the same for another 50 years or it can continue being a place for a broad cross-section of people to raise a family.

Respectfully,

Corey Sciuto
8 Williams St

From: "Jenny Raitt" <JRaitt@town.arlington.ma.us>
To: "Mary Muszynski" <MMuszynski@town.arlington.ma.us>
Date: Mon, 26 Oct 2020 11:31:47 -0400
Subject: Fwd: Proposed Article 18 and 19

Jennifer Raitt
Director, Department of Planning and Community Development
Town of Arlington

Arlington values equity, diversity, and inclusion. We are committed to building a community where everyone is heard, respected, and protected.

From: Elizabeth Pyle <elizabeth.m.pyle@gmail.com>
To: Jenny Raitt <JRaitt@town.arlington.ma.us>, Erin Zwirko <EZwirko@town.arlington.ma.us>
Cc: Eugene Benson <EBenson@town.arlington.ma.us>, KLau@town.arlington.ma.us,
DWatson@town.arlington.ma.us, RZsembery@town.arlington.ma.us, KLevine-Einstein@town.arlington.ma.us
Date: Mon, 26 Oct 2020 11:24:50 -0400
Subject: Proposed Article 18 and 19

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Dear Members of the Redevelopment Board and the Arlington Planning Department,

I am writing to strongly urge you to vote "no" on proposed Article 18, which would eliminate single family housing in Arlington, and on proposed Article 19, which would permit Accessory Dwelling Units ("ADUs").

For three years, I was a volunteer member of Arlington's Residential Zoning Study Group (the "RSG"), which was an advisory panel created by Town Meeting in 2016 to study the impact of new development and zoning changes in Arlington's residential districts. The RSG's members consisted of diverse stakeholders within the Town, including citizens, realtors, developers, and representatives from Town boards and offices.

The overriding take-away from the RSG's 3-year analysis of zoning and residential development in Arlington was that even small changes can have enormous unintended negative consequences, and that any changes to the Town's Zoning Bylaw must be carefully studied before implementation.

Based upon my time in the RSG, and also my professional experience as a zoning and land use attorney for 20 years, it is clear that Article 18's proposal to eliminate single-family housing in Arlington would have drastic negative consequences for our community. Although the Article's proponents claim that Article 18 would increase affordability and diversity in the Town, the opposite effect is likely to occur instead.

In the RSG, we learned that the two-family zoning districts in Arlington are already targets for developers to maximize profits by ripping down affordable single and two-family starter homes and replacing them with luxury two-family homes that often sell for more one million dollars for each unit. If single family zoning is eliminated, it will be giving carte blanche to developers to tear down existing affordable housing stock in Town and replace it with luxury duplexes, further driving up prices and decreasing affordability. In short, in the context of Arlington, where demand for luxury condominiums far outstrips supply, elimination of single-family zoning will hurt the laudable goals of affordability and diversity. Article 18 will have the effect of replacing older, more affordable housing stock with new, unaffordable luxury housing.

Article 18 is the type of zoning change that the RSG would have reviewed for unintended consequences if the group was still in existence. Since the RSG is no longer meeting, and since all public debate is curtailed at this time because of the Covid-19 pandemic, I strongly urge you to vote "no" on this change, which will have far reaching negative consequences for Arlington.

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As to Article 19, Town Meeting last year rejected an ADU proposal that contained safeguards to ensure that accessory dwellings were used properly, and to ensure that ADUs would not become de-facto two-family houses that would create an incentive for tear down/rebuilds on larger building footprints. The RSG reviewed the 2019 ADU proposal and voted "no action" on it, in part because of concerns expressed by the Fire Chief and Inspectional Services that public safety would not be protected in the event of a fire. Members of the RSG also believed that a "task force" should be created to further study ADUs, and that such a group should include the Fire Chief and representation from Inspectional Services. Despite the RSG's recommendation, no such "task force" was ever convened, and this new Article 19 does not even contain the same provisions to protect against unintended consequences as were present in last year's proposal. Therefore, I urge the Redevelopment Board to vote "no" on Article 19 until such time as a task force is convened with varied stakeholders to ensure that ADUs are managed responsibly for our Town, without creating unintended negative consequences.

Thank you for your consideration of these comments. Please ensure that this email is circulated to all current members of the Redevelopment Board.

Sincerely yours,

Elizabeth M. Pyle
Town Meeting Member, Precinct 10
Former member of Arlington's Residential Zoning Study Group
66 Gloucester Street
Arlington, MA 02476
781-643-4913

Fwd: I support ending single family zoning.         more ▾

➤ from **Jenny Raitt** to **Mary Muszynski** <MMuszynski@town.arlington.ma.us>

10/23/2020 C

To post

Begin forwarded message:

From: Jordan Krechmer <jkrehmer@gmail.com>
Date: October 23, 2020 at 3:10:15 PM EDT
To: "jraitt@town.arlington.ma.us" <jraitt@town.arlington.ma.us>
Subject: I support ending single family zoning and allowing ADUs in Arlington

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Dear Jennifer Raitt,

As an Arlington resident, I am writing to voice my support to the warrant articles going in front of the zoning board on Monday: to end exclusionary single family zoning; and to allow ADUs in Arlington.

First, housing is simply too expensive for young families like mine, and increasing the housing stock, particularly in wealthy communities, is necessary.

Second, there has been a lot of talk about righting historical wrongs with respect to redlining and racial discrimination. We can't do that without increasing the opportunities for diverse populations to live in Arlington.

Neither of these proposed articles go far enough, in my opinion, and they certainly will not magically fix our housing woes. But they are a great start to addressing the housing crisis in Arlington and the surrounding Boston area.

Sincerely,
Jordan Krechmer
Brooks Ave., Arlington

From: Jennifer Lewis <jennifer_lewisforbes@yahoo.com>
Date: October 26, 2020 at 4:09:29 PM EDT
To: "jraitt@town.arlington.ma.us" <jraitt@town.arlington.ma.us>
Subject: Letter of Support for Accessory Dwelling Units

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Dear Ms. Raitt,

I am writing in favor of the town adopting Accessory Dwelling Units (ADUs) in all residential districts.

As a resident of Arlington for over sixteen years, my family was fortunate to ride a wave of gentrification and was purchase our beloved single-family home. Prior to living in Arlington, we owned a two-family house in Somerville which enabled us to build equity and “trade up” to our current home in Arlington. We are grateful to live here.

Now that my husband and I are in our early fifties with college and high school aged children, we are more attuned to a myriad of issues facing our neighbors, rather than being solely hyper focused on local public education. Our neighbors and friends are struggling with our high cost of living and lack of housing choices and stock.

Our neighbors (new grandparents) searched for several years to find a suitable Arlington home to downsize that would allow them to age in place and provide them with the independence they desired, like planting a garden and landscaping to their specifications. After a frustrating search, they could not find a suitable home and will be moving to a suburb further west to create an ADU in an older relative’s home in **another town!** They have lived in our neighborhood for over thirty years, and I consider them to be the heart and soul of our street.

Two close Arlington friends, both single family homeowners and public servants, are struggling to meet rising property taxes that come with their home/land assessments. While they are both thrilled that their homes were a good investment twenty years ago, they cannot find a reasonable lower maintenance condo or similar home in the community that they love. They will be transitioning out of Arlington within the next five years.

As a member of Arlington’s Elder/Disabled Tax Relief Committee, I read the requests from older residents needing assistance to pay their property taxes. Arlington residents are a hardy bunch, they take advantage of the property tax community service work-off program (there is a waitlist) and work with our elder care social workers to leverage every dollar. It is not enough and often their efforts are not sustainable year after year.

ADUs will not solve every problem, however, they will offer Arlington residents **more choice**. A choice to live independently and with dignity (no one wants to ask for financial help) and a choice to age in place as supported by Arlington’s Master Plan. For newer and/or younger residents, ADUs offer more rental choice. They can help welcome new residents otherwise not able to afford

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our wonderful town. An ADU option will also offer support for longtime Arlington families as their children and grandchildren haven't been able to afford Arlington or our surrounding towns.

Finally, I encourage you to adopt ADUs with as few restrictions as possible. This includes parking restrictions, size of units, etc. We already have strong regulations from our building and public safety departments to address any issues. Again, we want to give our neighbors and friends **more choice to live sustainably**.

Sincerely,

Jennifer Lewis-Forbes
71 Mary Street
Arlington

From: Nora Mann <noramann2@gmail.com>
To: Jenny Raitt <jraitt@town.arlington.ma.us>
Date: 10/23/2020 10:43 AM
Subject: ADU

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Hi Jenny - I' writing to express my wholehearted support for the ADU warrant article. Many folks more articulate on the issue than I have already explained why - I can only piggyback on their words: from Barbara Thornton: The ADU Article will open the door to creating a much-needed kind of smaller unit, moderately priced rental housing, "affordable" housing, but not subject to federal income requirements. This is the "missing middle" housing that can increase both supply and affordability because the structures often cost less to build than larger, multifamily units.

I reviewed your excellent memo as well and look forward to a spirited and informative discussion at Monday's ARB meeting.

Thank you

~n

Nora Mann
Wollaston Avenue

From: "Jenny Raitt" <JRaitt@town.arlington.ma.us>
To: "Mary Muszynski" <MMuszynski@town.arlington.ma.us>
Date: Mon, 26 Oct 2020 07:58:56 -0400
Subject: Fwd: Recommended Vote for Article 19, Accessory Dwelling Units

Begin forwarded message:

From: Wynelle Evans <evco7@rcn.com>
Date: October 25, 2020 at 3:19:16 PM EDT
To: "EBenson@town.arlington.ma.us" <EBenson@town.arlington.ma.us>, "KLau@town.arlington.ma.us" <KLau@town.arlington.ma.us>, "keinstein@town.arlington.ma.us" <keinstein@town.arlington.ma.us>, "DWatson@town.arlington.ma.us" <DWatson@town.arlington.ma.us>, "rzsembery@town.arlington.ma.us" <rzsembery@town.arlington.ma.us>, Jenny Raitt <JRaitt@town.arlington.ma.us>
Subject: Recommended Vote for Article 19, Accessory Dwelling Units

CAUTION: This email originated from outside of the Town of Arlington's email system. Do not click links or open attachments unless you recognize the REAL sender (whose email address in the From: line in "< >" brackets) and you know the content is safe.

To: Arlington Redevelopment Board, and Jenny Raitt, DPCD Director
Subject: Recommended Vote for Article 19, Accessory Dwelling Units

I'm writing to the Board as a former member of the Residential Study Group. I was deeply involved in the deliberations of the ARB's proposed ADU Article for 2019 Town Meeting, and I have researched similar bylaws in neighboring communities, through their Zoning Bylaws and through the 2018 Pioneer Institute document, "The State of Zoning for Accessory Dwelling Units."

While the current Article 19 that is before you is well-intentioned, it is also flawed and inferior to the version which was narrowly defeated in 2019. It lacks both the benefits and protections which that version provided, and is vague in its wording. While it purports to enable the creation of additional affordable housing in town, it offers no mechanisms by which to do this.

Please find attached a substitute motion that is largely based upon what the ARB proposed in 2019, with additional clarifications and safeguards that address the concerns that many had at that time. It is also in line with the ADU Bylaws in other communities. I believe that this will serve as a consensus version that can be supported by most residents.

Please post immediately, for inclusion in the Monday, October 26 discussion.

Thank you.

Best wishes,
Wynelle Evans

Wynelle Evans
781.859.9291 cell
evco7@rcn.com

I

ARB vote:

Amend SECTION 2 DEFINITIONS to add a definition for accessory dwelling unit:

Accessory Dwelling Unit: An accessory dwelling unit is a wholly-contained dwelling unit located within a single-family dwelling existing as of February 14, 2019 within the R0 or R1 zoning districts. The accessory dwelling unit is subordinate in size to the principal dwelling unit, and physically separated from it, with its own kitchen, bathroom, and two means of egress, and held under common ownership with the primary dwelling unit.

Amend SECTION 5.4.3. USE REGULATIONS FOR RESIDENTIAL DISTRICTS to include the use in the table of uses:

Class of Use	R0	R1	R2	R3	R4	R5	R6	R7
Accessory Uses								
Accessory dwelling unit	SP	SP						

Create a new section, SECTION 5.9.2. ACCESSORY DWELLING UNITS, containing standards for accessory dwelling units:

5.9.2 Accessory Dwelling Units

A. The Zoning Board of Appeals may grant a special permit for an accessory dwelling unit in a single-family dwelling existing as of February 14, 2019, in the R0 or R1 districts, provided that all of the following conditions are met:

- (1) The gross floor area of the single-family dwelling has not been increased since January 1, 2020;
- (2) The lot and dwelling shall conform to the Dimensional and Density Requirements under Section 5.4.2 of the Zoning Bylaw;
- (3) The gross floor area of an accessory dwelling unit cannot exceed 33% of the gross floor area of a single-family dwelling as defined in Section 2. In no case shall the gross floor area of the accessory dwelling unit exceed 750 square feet;
- (4) The accessory dwelling unit must be contained within the gross floor area of the existing principal dwelling, except for the addition of a second means of egress or other modification to meet the State Building Code. Such egress or other modification shall not exceed 25 square feet in size, and shall not be on the front of the house. The principal dwelling unit shall not be otherwise expanded;

- (5) The owner(s) of the structure in which the accessory dwelling unit is located must claim one of the dwelling units as their principal residence;
- (6) There must be at least two off-street parking spaces meeting the requirements of Section 6.1 of the Zoning Bylaw;
- (7) The dwelling shall continue to be treated as a single-family dwelling in an R0 or R1 districts; and
- (8) The minimum occupancy or rental term shall be 1 year and the unit shall not be sublet by the tenant.
- (9) The rent charged for the non-owner dwelling unit shall not exceed that for an affordable rental unit as defined in Section 2 of the Zoning Bylaw; and
- (10) The general appearance of the dwelling must retain the look of a single family home; and
- (11) The addition of a second driveway shall not be permitted.

B. The following procedures apply to accessory dwelling unit:

- (1) No accessory dwelling unit shall be constructed or altered without issuance of a special permit from the Zoning Board of Appeals;
- (2) No accessory dwelling unit shall be occupied prior to issuance of a Certificate of Occupancy by the Building Inspector;
- (3) Prior to the issuance of a Certificate of Occupancy, the owner shall submit to the Building Inspector a notarized affidavit on a form provided by the Town signed under pains and penalties of perjury stating that the owner currently occupies one of the dwelling units on the premises as the owner's principal residence;
- (4) The owner shall submit annually a notarized affidavit on a form provided by the Town signed under the pains and penalties of perjury to the Building Inspector that confirms the owner's continued compliance with the requirements of Section 5.9.2; and
- (5) When a dwelling containing an accessory dwelling unit previously permitted under this section is sold or otherwise conveyed, the new owner or owners must apply for a new special permit if they wish to retain the accessory dwelling unit.

- (6) The special permit shall contain a provision that by accepting same the owners agree that an employee or agent of the Town may, upon 24 hours' notice, enter the premises in order to inspect the same and determine if the conditions of the permit are being observed. In the event of the breach of any of the conditions, the permit shall be immediately revoked.
- (7) The Director of Planning and Community Development shall maintain a current list of the permitted Accessory Dwelling Units and the maximum allowable rent for each.