



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

### **Agenda & Meeting Notice October 28, 2020**

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. This meeting is being held remotely in accordance with the Governor's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law G.L. c. 30A, Section 20. Public comments will be accepted during the public comment periods designated in the agenda. The public may email or provide any written comments to [jraitt@town.arlington.ma.us](mailto:jraitt@town.arlington.ma.us) by October 26, 2020 at 12:00 p.m. If visual information is provided as part of your correspondence, the Board requests this by October 28, 2020 at 4:00 p.m.

The Arlington Redevelopment Board will meet Wednesday, October 28, 2020 at 7:00 PM in the  
**Join 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 followed by "#".**

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

Beginning at 7:00 p.m. The following articles propose changes to the Zoning Bylaw and are the subject of the public hearing:

##### **ARTICLE 21**

##### **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)

- 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
- Board members may conclude the public hearings and vote to make recommendations to Town Meeting.

#### **2. Adjourn**

*Estimated 8:30 p.m. – Adjourn*



## Town of Arlington, Massachusetts

### Warrant Article Public Hearings 2020 Special Town Meeting

#### Summary:

Beginning at 7:00 p.m. The following articles propose changes to the Zoning Bylaw and are the subject of the public hearing:

#### ARTICLE 21

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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)

- 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
- Board members may conclude the public hearings and vote to make recommendations to Town Meeting.

#### ATTACHMENTS:

Type	File Name	Description
Reference Material	2020_Special_Town_Meeting_Zoning_Warrant_Articles_and_Draft_Proposed_Votes_102720.pdf	2020 Special Town Meeting Zoning Warrant Articles and Draft Proposed Votes 102720
Reference Material	Item_1_STM_2020_Zoning_Bylaw_Amendments_10-8-20.pdf	2020 Special Town Meeting Draft Zoning Bylaw Amendments
Reference Material	Memo_to_ARB_regarding_Warrant_Article21.pdf	Memo to ARB re Warrant Article 21
Reference Material	Arlington_Municipal_Facility_-_Redevelopment_Board_Presentation_102720.pdf	Arlington Municipal Facility ARB Presentation
Reference Material	Memo_to_ARB_regarding_Warrant_Article_20.pdf	Memo to ARB regarding Warrant Article 20
Reference Material	Proposed_Main_Motion_for_Article_18.pdf	Proposed Main Motion for Article 18
Reference Material	Memo_on_Replacement_Homes-2010-2019.pdf	Memo on Replacement Homes 2010-2019
Reference Material	Main_Motion_ADU_102120_(1).pdf	Main Motion ADU 102120
Reference Material	Item_3_arb-20201007-open-space.pdf	Zoning Bylaw Amendment/Definitions  Related to Open Space
Reference Material	Correspondence_received_from_B_Thornton_received_10252020_with_attachment.pdf	Correspondence received from B.Thornton with attachment 10252020
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 received from C. Loreti

material		10262020
Reference Material	Correspondence_received_from_C._Marceau_102720.pdf	Correspondence received from C. Marceau 102720
Reference Material	Correspondence_received_from_C_Sciuto_102320.pdf	Correspondence received from C. Sciuto 10232020
Reference Material	Correspondence_received_from_E._Pyle_10262020.pdf	Correspondence received from E. Pyle 10262020
Reference Material	Correspondence_received_from_J._Krechmer_102320.pdf	Correspondence received from J. Krechmer 10232020
Reference Material	Correspondence_received_from_J._Lewis_10262020.pdf	Correspondence received from J. Lewis 10262020
Reference Material	Correspondence_received_from_N_Mann_102320.pdf	Correspondence received from N. Mann 10232020
Reference Material	new-homes_S_Revilak_102720.pdf	Correspondence received from S. Revilak re new homes 102720
Reference Material	Correspondence_received_from_W._Evans_10252020_with_attachment.pdf	Correspondence received from W. Evans 10252020 with attachment
Reference Material	Attachment_received_from_W._Evans_10252020.pdf	Attachment from W. Evans received 10252020



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

**2020 Special Town Meeting**  
**Zoning Warrant Articles and Proposed Motions**

**Updated October 27, 2020**



### **Introduction and Overview**

The Arlington Redevelopment Board (ARB) is the Town's Planning Board, under M.G.L. Chapter 41 § 81. There are five members of the Board. Four are appointed by the Town Manager and the fifth is a gubernatorial designee appointed by the Massachusetts Department of Housing and Community Development. The Board serves as the Town's special permit granting authority for projects which require an Environmental Design Review (EDR) as identified in the Zoning Bylaw. The ARB is also the Town's Urban Renewal Authority under M.G.L. Chapter 121; with Town Meeting approval, the Board may hold property to improve and rehabilitate them to meet community development goals.

The members of the ARB are as follows:

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

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

Eugene Benson (Term through 1/31/2023)

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

David Watson (Term through 9/22/2023)

Jennifer Raitt, Director of the Department of Planning and Community Development, serves as Secretary Ex-Officio to the ARB.

In accordance with the provisions of the Town of Arlington, Massachusetts Zoning Bylaw and Massachusetts General Laws Chapter 40A, a public hearing will be held by the Arlington Redevelopment Board (ARB) on:

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

The ARB will hear public comments on the proposed amendments to the Zoning Bylaw. After receiving public comments, the ARB will make recommendations on the proposed amendments for Special Town Meeting, which will begin on Monday, November 16, 2020.

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

Contact Jennifer Raitt, Director of Planning and Community Development, at 781-316-3092 or [jraitt@town.arlington.ma.us](mailto:jraitt@town.arlington.ma.us) with any questions or comments.

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## Zoning Bylaw Amendments: Definitions Related to Open Space

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

### ARTICLE 16

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

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

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

#### Proposed Vote:

Amend Section 2:

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.

Amend Section 3.4.2(J):

Use of land or structures for religious purposes or for educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation; or the use of land or structures for a child care facility; provided, however, as provided and limited by the provisions of G.L. c. 40A, § 3, that the Board's authority shall be limited to reasonable regulation of the bulk and height of structures and determining yard sizes, lot area, setbacks, ~~open-space-yard space~~, parking, and building coverage requirements.

Amend Section 3.4.4(C):

~~Open Space-Yard Space~~. All ~~open-yard~~ space (~~landscaped-Secondary~~ and ~~usable-Primary~~) shall be so designed as to add to the visual amenities of the vicinity by maximizing its visibility for

## Zoning Bylaw Amendments: Definitions Related to Open Space

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

persons passing the site or overlooking it from nearby properties. The location and configuration of ~~usable open space~~ Primary open space shall be so designed as to encourage social interaction, maximize its utility, and facilitate maintenance.

Amend Section 5.3.6(C) Table:

	R7, B5 Districts	R6, B2A, B4 Districts
Extra <del>Open-Space-Yard</del> <u>Space</u>	15%	10%

Amend Section 5.3.6(D)(3):

Where ~~landscaped open space~~ Secondary yard space or ~~usable open space~~ Primary yard space is provided in excess of the minimum required in the district, additional gross floor area may be allowed at the rate of two square feet of gross floor area for each one square foot of either kind of ~~open yard~~ space in excess of the minimum requirements. The minimum requirements shall have been calculated based upon the aggregate of gross floor area allowable as a result of calculations from all applicable subparagraphs.

Amend Section 5.3.6(D)(5):

When usable land is deeded or an easement granted for public access and use, additional gross floor area may be allowed at the ratio of 10 square feet of gross floor area to one square foot of such land. Land so deeded or controlled by easement shall not be counted toward minimum lot size, lot area per dwelling unit, or ~~open yard~~ space requirements, nor shall it be included with land in calculating total permissible gross floor area from the resulting floor area ratio.

Amend Section 5.3.13(A):

Any accessory structure or any part of a main structure or building which is located entirely beneath the surface of the ground at the natural grade level may extend into a required front, side, or rear yard except that in any situation where ~~landscaped open space~~ Secondary yard space is required, no underground structure or building shall be located beneath more than 50% of the required ~~landscaped open space~~ Secondary yard space, nor nearer to any lot line for more than 75% of the length of the lot line.

Amend Section 5.3.13(B)(2):

In Business, Multi-Use, and Industrial districts, accessory buildings shall be located on the lot so as not to violate the minimum yard, height, and ~~open space yard space~~ requirements in the district.

Amend Section 5.3.13(B)(4):

An accessory private swimming pool shall be completely enclosed by a fence the top of which shall be at least 5 feet in height above the pool, having a self-closing gate with a latch. Above-ground pools may be unfenced if they are less than 24 inches in depth or with walls 4 feet or

## Zoning Bylaw Amendments: Definitions Related to Open Space

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

greater in height and removable. The unnumbered side of a corner lot shall be considered as a side yard for the purposes of establishing minimum setback requirements for accessory private swimming pools in all Residence districts. See Section 5.4.2.(A) District Yard and ~~Open Space~~ Yard Space Requirements.

Amend Section 5.3.18:

5.3.18. Balconies and Roof as Portion of ~~Usable Open Space-Primary~~ Open Space

The Board of Appeals or Arlington Redevelopment Board, as applicable, may grant a special permit that private balconies with a least dimension of six feet and open space on a roof not more than 10 feet above the level of the lowest story used for dwelling purposes may be counted up to 50% of the ~~usable open space-Primary~~ yard space requirement. The proponent's application shall include drawings which depict surface materials, planting areas, fences, railings, benches, access, and other similar items.

Amend Section 5.3.21(B):

Accessory Structures. Accessory structures must comply with the minimum yard, maximum height, and minimum ~~open space-yard~~ space requirements of the district in which they are located.

Amend Section 5.3.21(D):

For mixed uses and any permitted residential use not specifically identified in the tables in Section 5.5.2, the minimum ~~open space-yard~~ space requirements (computed from the residential floor area only) shall be 10% ~~landscaped-Secondary~~ and 20% ~~usable-Primary~~ in the B1, B2, B2A, B3, and B4 districts, and 15 percent ~~usable-Primary~~ in the B5 district.

Amend the second table title of Section 5.4.2(A):

R District Yard and ~~Open Space-Yard~~ Space Requirements (see 5.4.2(B) for exceptions).

Amend the third table title of Section 5.4.2(A):

R District ~~Open Space-Yard~~ Space and Lot Coverage Regulations (see 5.4.2(B) and 5.3.13(B) for exceptions).

Amend the column heading of the third table of Section 5.4.2(A):

District Use	<del>Landscaped Open Space</del> <u>Usable Open Space-Primary</u>	Maximum Lot Coverage
	<u>Secondary Yard Space</u> (Min)	<u>Yard Space</u> (Min)

Amend Section 5.4.2(B):

Exceptions to Minimum Lot Area, Minimum Front Yard Lot Width, Frontage, ~~Open Space-Yard~~ Space, Side Yard, and Height Requirements in the R0, R1, and R2 Districts.

## Zoning Bylaw Amendments: Definitions Related to Open Space

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

Amend Section 5.4.2(B)(1):

The following applies to any lot shown on a subdivision plan approved by the Board of Survey or on a plan or deed recorded with the Registry of Deeds prior to May 15, 1924. If such lot did not contain a principal building or a building permit was not issued prior to August 28, 1975, the minimum lot size, frontage, ~~open space~~yard space, and side yard requirements for a residential use shall not apply, and the lot may be built upon with a single- or two-family residential use if permitted in the applicable district, provided that:

Amend the last bullet point of Section 5.4.2(B)(1):

The minimum ~~open space~~yard space requirements of this section are satisfied.

Amend the second table title of Section 5.5.2(A):

B District Yard and ~~Open Space~~Yard Space Requirements

Amend the third table title of Section 5.5.2(A):

B District ~~Open Space~~Yard Space and Lot Coverage

Amend the column headings of the third table of Section 5.5.2(A):

District Use	<del>Landscaped Open Space</del> <u>Secondary Yard Space</u>	<del>Usable Open Space-Primary</del> <u>Yard Space</u>	Maximum Lot Coverage
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Amend the second table title of Section 5.6.2(A):

Other District Yard and ~~Open Space~~Yard Space Requirements

Amend the third table title of Section 5.6.2(A):

Other District ~~Open Space~~Yard Space and Lot Coverage

Amend the third table column headings of Section 5.6.2(A):

<del>Landscaped Open Space</del> <u>Secondary Yard Space</u> (Min)	<del>Usable Open Space-Primary</del> <u>Yard Space</u> (Min)	Maximum Lot Coverage
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Amend Section 5.6.2(B):

B. Special ~~Open Space~~Yard Space Regulations for Planned Unit Developments

The minimum ~~open~~yard space regulations for planned unit developments are as follows:

- (1) Apartment buildings – 10% ~~landscaped Secondary~~, 10% ~~usable-Primary~~.
- (2) Hotel/motels – 10% ~~landscaped Secondary~~.

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

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

(3) Retail stores - None required around the building if an enclosed wall or arcade is provided facing each retail store. Without an enclosed wall or arcade, a minimum ~~landscaped~~ Secondary area of 10% shall be required.

(4) Office and professional buildings – 10% ~~landscaped~~ Secondary.

Amend Section 5.6.2(C):

Upon completion of Environmental Design Review under Section 3.4, individual tracts of land in the Planned Unit Development of at least 30,000 square feet may be leased or sold for development in accordance with the approved Planned Unit Development site plan without the provision of new setbacks for front, side, or rear yards. Each tract or lot so leased or sold must make provision for a principal building, off-street parking, and ~~open-space-yard space~~ or plaza area to serve it as required in the PUD district.

Amend Section 5.7.7:

5.7.7. Areas, ~~Open Space-Yard Space~~, and Yard Regulations

The portion of any lot within the Floodplain District may be used to meet the lot area, ~~open space-yard space~~ and yard requirements for the district in which the remainder of the lot is situated.

Amend Section 8.1.2(A):

Any nonconforming use, except for agriculture, horticulture, or floriculture, of any ~~open-space yard space~~ on a lot outside a structure, or of a lot not occupied by a structure, shall not be extended.

Amend Section 8.1.3(C):

The extension of an exterior wall of a single-family or two-family residential structure along a line at the same nonconforming distance within a required setback may be allowed providing that the extension creates no new nonconformities, nor increases any ~~open-space-yard space~~ nonconformities, and that no such extension shall be permitted unless there is a finding by the Special Permit Granting Authority that the extension shall not be substantially more detrimental to the neighborhood than the existing nonconforming dwelling. In making such a finding, the Special Permit Granting Authority shall assess the dimensions and proposed setback of the alteration in relationship to abutting structures and uses.

Amend Section 8.1.6(A):

Any lot, or ~~open-space-yard space~~ on a lot, including yards and setbacks shall not be reduced or changed in area or shape so that the lot, ~~open-space-yard space~~, yard, or setback is made nonconforming or more nonconforming unless a special permit has been granted under Section 8.1.3. However, this section shall not apply in the case of a lot a portion of which is taken for a public purpose.

## Zoning Bylaw Amendments: Accessory Dwelling Units

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

### ARTICLE 17

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

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

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

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#### Proposed Vote:

Amend Section 3.1 Building Inspector; Enforcement:

- B. No person shall erect, construct, reconstruct, convert, or alter a structure, or change the use or lot coverage, increase the intensity of use, or extend or displace the use of any structure or lot without applying for and receiving the required permit(s) from the Building Inspector. 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.



**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 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)

**Proposed Vote:**

Add 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";

Add 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",

**Section 5.4.3 Use Regulations for Residential Districts**

Class of Use	R0	R1	R2
Two-family dwelling, <u>duplex</u>	<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

Amend Section 5.4.1(A) Definitions of the R0 and R1 Residential Districts:

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 duplex 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.

Amend 5.4.2A. Table of Dimensional and Density Regulations, R District Building Height and Floor Area Ratio Regulations, so that the first line for R0, R1, would read as follows:

Single Family detached dwelling, two-family dwelling, duplex dwelling

**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~~.**

Amend 5.4.2(B)(3):

R0 District Minimum Lot Area Exception. Any lot shown on the Zoning Map as proposed by the zoning bylaw change first advertised on February 21, 1991, as being in the R0 district, and which was recorded with the Registry of Deeds on or before February 21, 1991, and which did not contain a principal building, or for which a building permit was not issued, may be built upon with a single family, two-family, or duplex residential use provided that the lot contains not less than 6,000 square feet of area and 60 feet of frontage.

**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 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)

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**Proposed Vote:**

Amend Section 1.2 Purposes:

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.

Add the following definition to Section 2.5 Definitions Associated with Dwelling:

**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~~.**

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.

Add the Accessory Dwelling Units as an “as of right” use by amending Sections 5.4.2 and 5.4.3 as follows:

**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**

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

## **Zoning Map Amendments: Rezone Town Property**

### **ARTICLE 20 ZONING BYLAW AMENDMENT/ PARKING REDUCTIONS IN THE B3 AND B5 DISTRICTS**

To see if the Town will vote to amend the Zoning Bylaw to allow the Board of Appeals or Arlington Redevelopment Board, as applicable, to reduce the parking requirement 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)

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#### **Proposed Vote:**

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:

- C. 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.
- D. 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.
- E. 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;

## Zoning Map Amendments: Rezone Town Property

- (8) Provide showers for business or industrial uses;
- (9) Other means acceptable to the applicable Special Permit Granting Authority.

When a business in the B3 or B5 District has no ability to create new parking onsite and there is adequate nearby on-street parking or municipal parking, the Board of Appeals or Arlington Redevelopment Board, as applicable, may, upon determination that these conditions exist, 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. The reductions described in this paragraph do not apply to mixed-use, which can reduce the non-residential parking requirements as described in Section 6.1.10.C, or to residential use classes identified in Section 5.5.3.

## **Zoning Map Amendments: Rezone Town Property**

### **ARTICLE 21**

### **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)

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#### **Proposed Vote:**

Amend Arlington Zoning Map, to rezone a parcel of land belonging to the Town of Arlington with access to Grove Street at Map 54, Block 3, Lot 2.B from Residential District 1 to Industrial.



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

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

**October 8, 2020**



## **Introduction and Overview**

The Arlington Redevelopment Board (ARB) is the Town's Planning Board, under M.G.L. Chapter 41 § 81. There are five members of the Board. Four are appointed by the Town Manager and the fifth is a gubernatorial designee appointed by the Massachusetts Department of Housing and Community Development. The Board serves as the Town's special permit granting authority for projects which require an Environmental Design Review (EDR) as identified in the Zoning Bylaw. The ARB is also the Town's Urban Renewal Authority under M.G.L. Chapter 121; with Town Meeting approval, the Board may hold property to improve and rehabilitate them to meet community development goals.

The members of the ARB are as follows:

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

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

Eugene Benson (Term through 1/31/2023)

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

David Watson (Term through 9/22/2023)

Jennifer Raitt, Director of the Department of Planning and Community Development, serves as Secretary Ex-Officio to the ARB.

In accordance with the provisions of the Town of Arlington, Massachusetts Zoning Bylaw and Massachusetts General Laws Chapter 40A, a public hearing will be held by the Arlington Redevelopment Board (ARB) on:

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

The ARB will hear public comments on the proposed amendments to the Zoning Bylaw. After receiving public comments, the ARB will make recommendations on the proposed amendments for Special Town Meeting, which will begin on Monday, November 16, 2020.

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

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

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

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

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

### **ARTICLE\_\_\_\_ ZONING BYLAW AMENDMENT/ PARKING REDUCTIONS IN THE B3 AND B5 DISTRICTS**

To see if the Town will vote to amend the Zoning Bylaw to allow the Board of Appeals or Arlington Redevelopment Board, as applicable, to reduce the parking requirement to as low as zero in the B3 and B5 Districts through Special Permit where businesses have no ability to create new parking by amending SECTION 6.1.5. PARKING REDUCTION IN BUSINESS, INDUSTRIAL, AND MULTI-FAMILY RESIDENTIAL ZONES; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

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

#### **6.1.5. Parking Reduction in Business, Industrial, and Multi-Family Residential Zones**

The Board of Appeals or Arlington Redevelopment Board, as applicable, may allow the reduction of the parking space requirements in the R5, R6, R7, Business, and Industrial Zones to 25 percent of that required in the Table of Off-Street Parking Regulations if the proposed parking is deemed adequate and where Transportation Demand Management practices are incorporated, as evidenced by a Transportation Demand Management Plan approved by the Special Permit Granting Authority. Methods to reduce parking on site may include but are not limited to:

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

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

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

- (9) Other means acceptable to the applicable Special Permit Granting Authority.

When a business in the B3 or B5 District has no ability to create new parking onsite and there is adequate nearby on-street parking or municipal parking, the Board of Appeals or Arlington Redevelopment Board, as applicable, may, upon the request of an applicant, reduce to less than 25 percent or eliminate the amount of parking required in the Table of Off-Street Parking Regulations. For these situations, the applicable Special Permit Granting Authority may require the applicant to incorporate methods set forth in subparagraphs A., B., and C of this section.

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

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

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

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

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

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

##### **Motivation**

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

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

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

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

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

where the term "yard" is defined as follows:

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

According to these definitions, Open Space is a portion of a lot, and an adjunct to a principal building. Where the principal building is privately-owned, the open space ("yard") will also be privately-owned; unlike open space in an Open Space District, it is not a public benefit. While the definition does not preclude green spaces, it does not require open spaces to be green, or even pervious. Decks, patios, sidewalks, swimming pools, and play courts are explicitly named as examples of what Open Space can be.

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

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<sup>1</sup> Arlington Zoning Bylaw, Section 5.6.1(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 yards<sup>2</sup>, but for the moment, my goal is to have (new) terms with that better fit the text of the definitions, while leaving the definitions as they currently are.

### **Proposal**

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

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

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

## Zoning Bylaw Amendments: Definitions Related to Open Space

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

The core change I am proposing is as follows:

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

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

~~Open Space, Landscaped~~ **Yard Space, Secondary**: ~~Open~~ **Yard** space designed and developed for pleasant appearance in trees, shrubs, ground covers and grass, including other landscaped elements such as natural features of the site, walks and terraces, and also including open areas accessible to and developed for the use of the occupants of the building located upon a roof not more than 10 feet above the level of the lowest story used for dwelling purposes.

~~Open Space, Usable~~ **Yard Space, Primary** The part or parts of a lot designed and developed for outdoor use by the occupants of the lot for recreation, including swimming pools, tennis courts, or similar facilities, or for garden or for household service activities such as clothes drying; which space is at least 75% open to the sky, free of automotive traffic and parking, and readily accessible by all those for whom it is required. Such space may include open area accessible to and developed for the use of the occupants of the building, and located upon a roof not more than 10 feet above the level of the lowest story used for dwelling purposes. ~~Open~~ **Yard** space shall be deemed ~~usable~~ **Primary** only if at least 75% of the area has a grade of less than 8%, and no horizontal dimension is less than 25 feet. For newly constructed single-, two-family, and duplex dwellings with surface parking, no horizontal dimension shall be less than 20 feet.

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

## Zoning Bylaw Amendments: Accessory Dwelling Units

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

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

### ZONING BYLAW AMENDMENT/ ACCESSORY DWELLING UNITS

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

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

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

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

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

or take any action related thereto.

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 Source: Arlington's 2019 property assessment data

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



## Zoning Map Amendments: Rezone Town Property

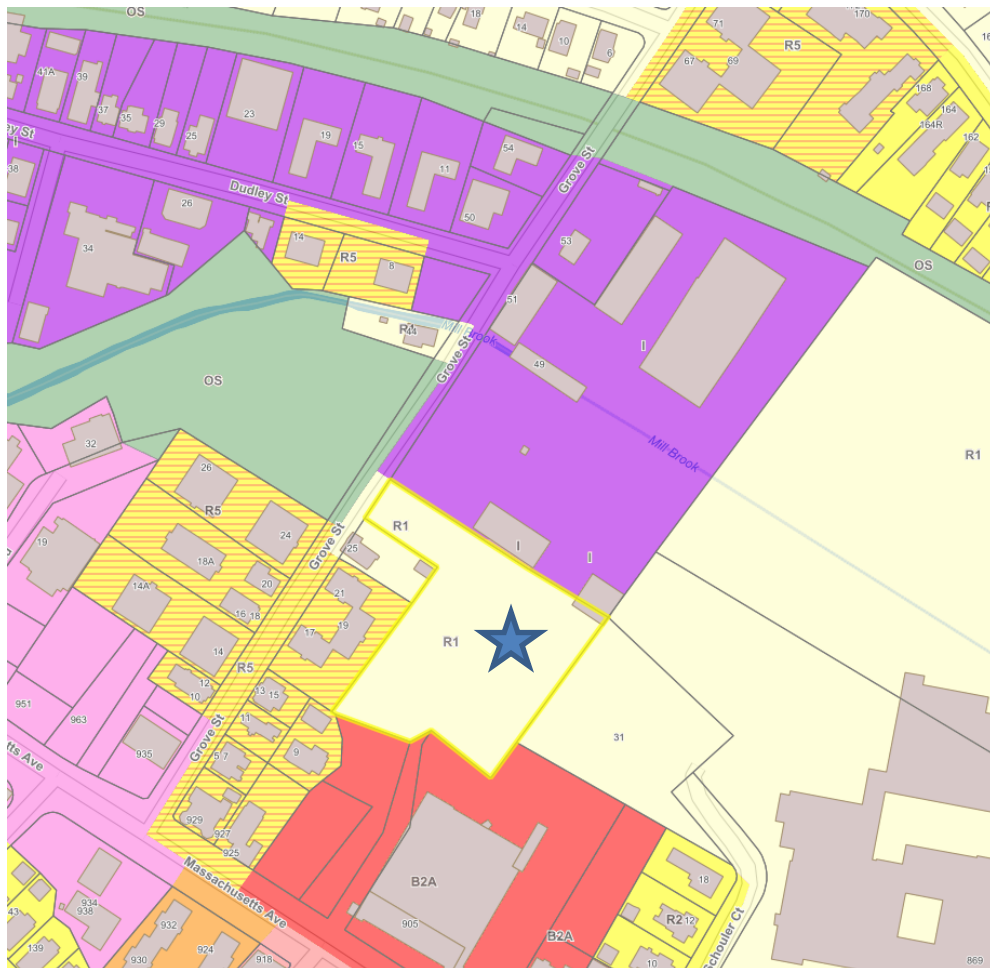
### ARTICLE \_

### ZONING MAP AMENDMENT/REZONE TOWN PROPERTY

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

(Inserted at the request of the Town Manager)

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





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

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

**MEMORANDUM**

To: Arlington Redevelopment Board

From: Jennifer Raitt, Director, Planning and Community Development

Date: October 26, 2020

RE: Review of Warrant Articles 21 for 2020 Special Town Meeting

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Staff reviewed the following Warrant Article to provide the Board with information for further consideration as part of the public hearing and review process. There is one article with a public hearing for the evening of October 28<sup>th</sup>. This memo provides information about the 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 Map has been inserted by the Redevelopment Board at the request of the Town Manager:

**ARTICLE 21 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 staff provides the following additional considerations relevant to this article:

- **Overview of Amendment**

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 image of the Arlington Zoning Map).



Arlington Zoning Map, 2015

- **Existing and Anticipated Conditions**

The lot has an existing curb cut and is currently used as a driveway and parking for the DPW Yard and a portion of an Arlington Public School playing 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 Arlington High School complex.

- **Restricted Use in R1**

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.

- **Project Need and Timeline**

The DPW campus adjacent to Grove Street currently includes six buildings comprising 74,000 sf. There have not been any significant renovations at these buildings since the 1970s which has left the facilities outdated and not aligned with industry and safety standards. Renovation needs are now extensive, from interior retrofits to new and functional space for offices and staff, as well as vehicles and other equipment. Work on the Mill Brook culvert will also happen in conjunction with this project; the brook runs through the existing DPW campus. The DPW will be wrapping up design work by the end of 2020. Site mobilization is projected to occur in April 2021 with estimated completion by spring 2023.

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# Town of Arlington New / Upgraded Public Works Facility

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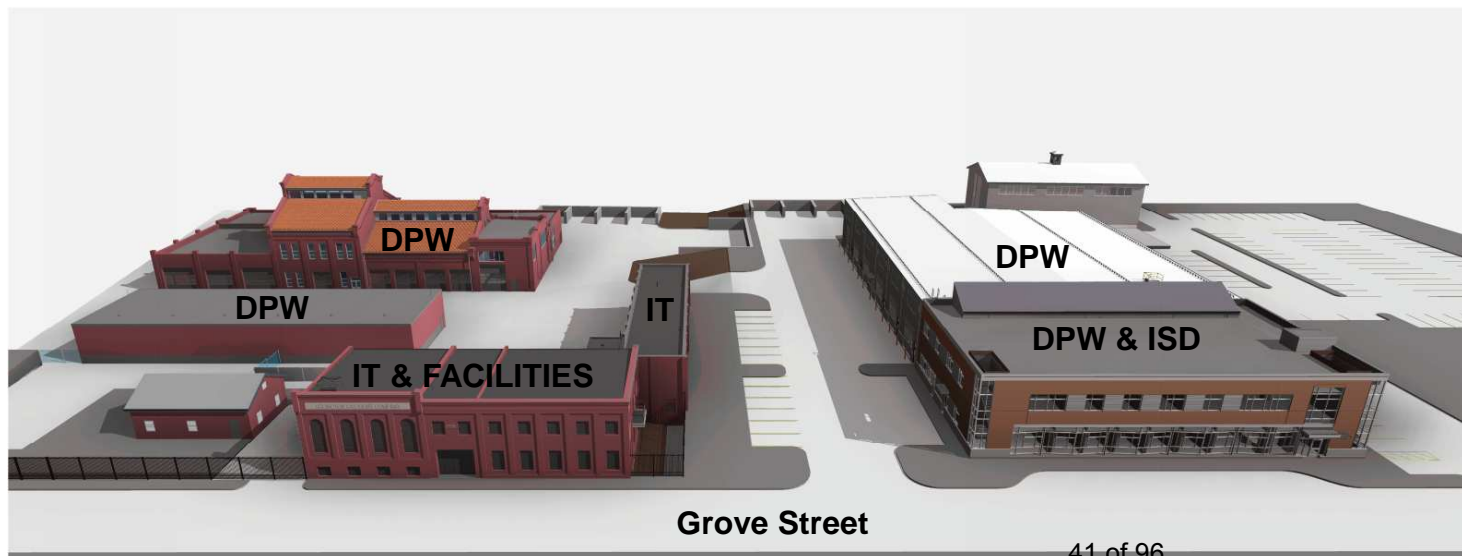
Redevelopment Board Presentation  
October 28, 2020

# Town of Arlington

## New / Upgraded Municipal Facility

### Project Summary

- The Town is proposing to renovate and expand the existing DPW Facility located at 51 Grove Street to support a new/upgraded Municipal Facility for:
  - Department of Public Works, Inspectional Services Department, Facilities Department, and Town IT Department
- Project includes renovation of four (4) existing Buildings and construction of a new Operations building
- Project includes new ancillary support buildings/functions including:
  - Salt Shed, Fueling Facility, and Municipal Facility Parking



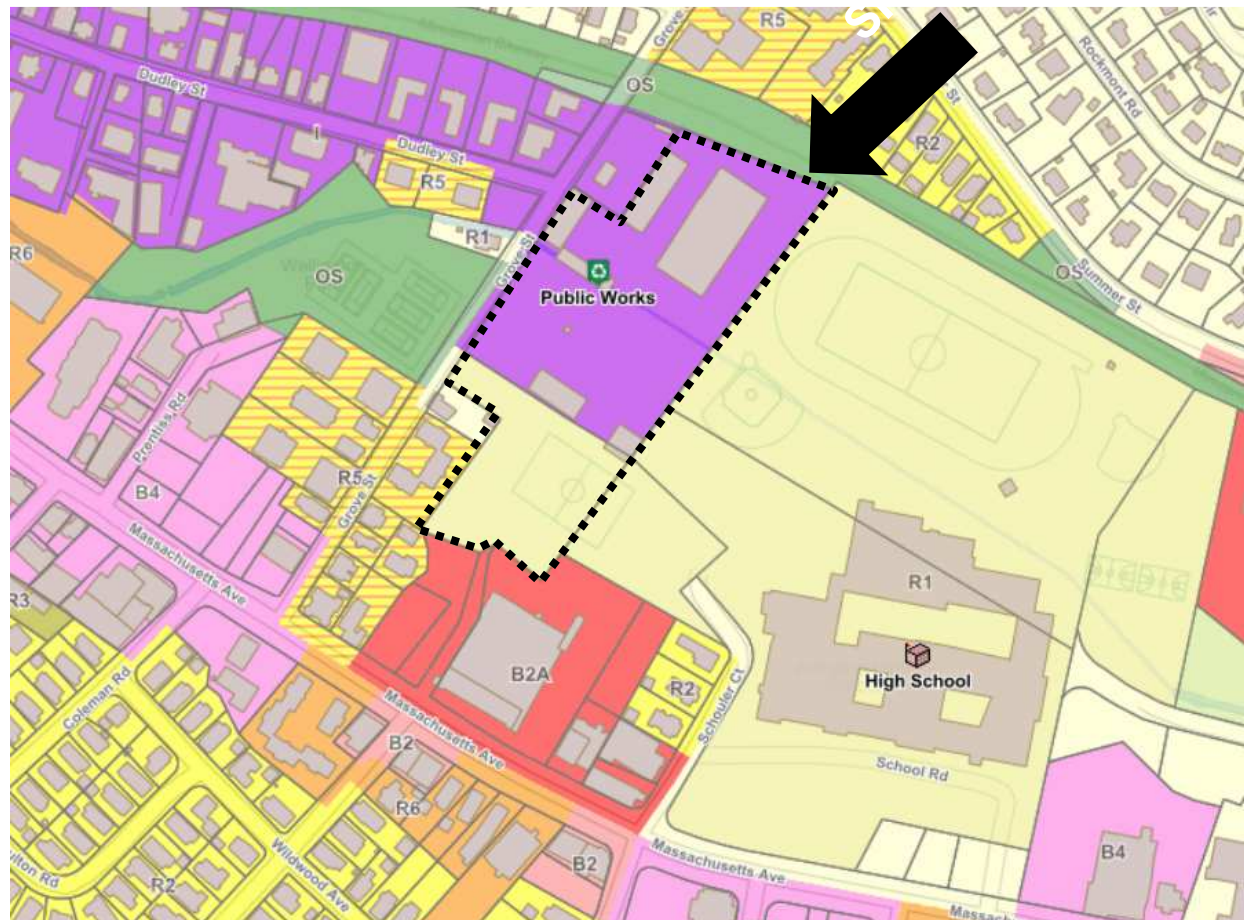


# Town of Arlington New / Upgraded Municipal Facility

## Zoning Map

of the

Town of Arlington, MA

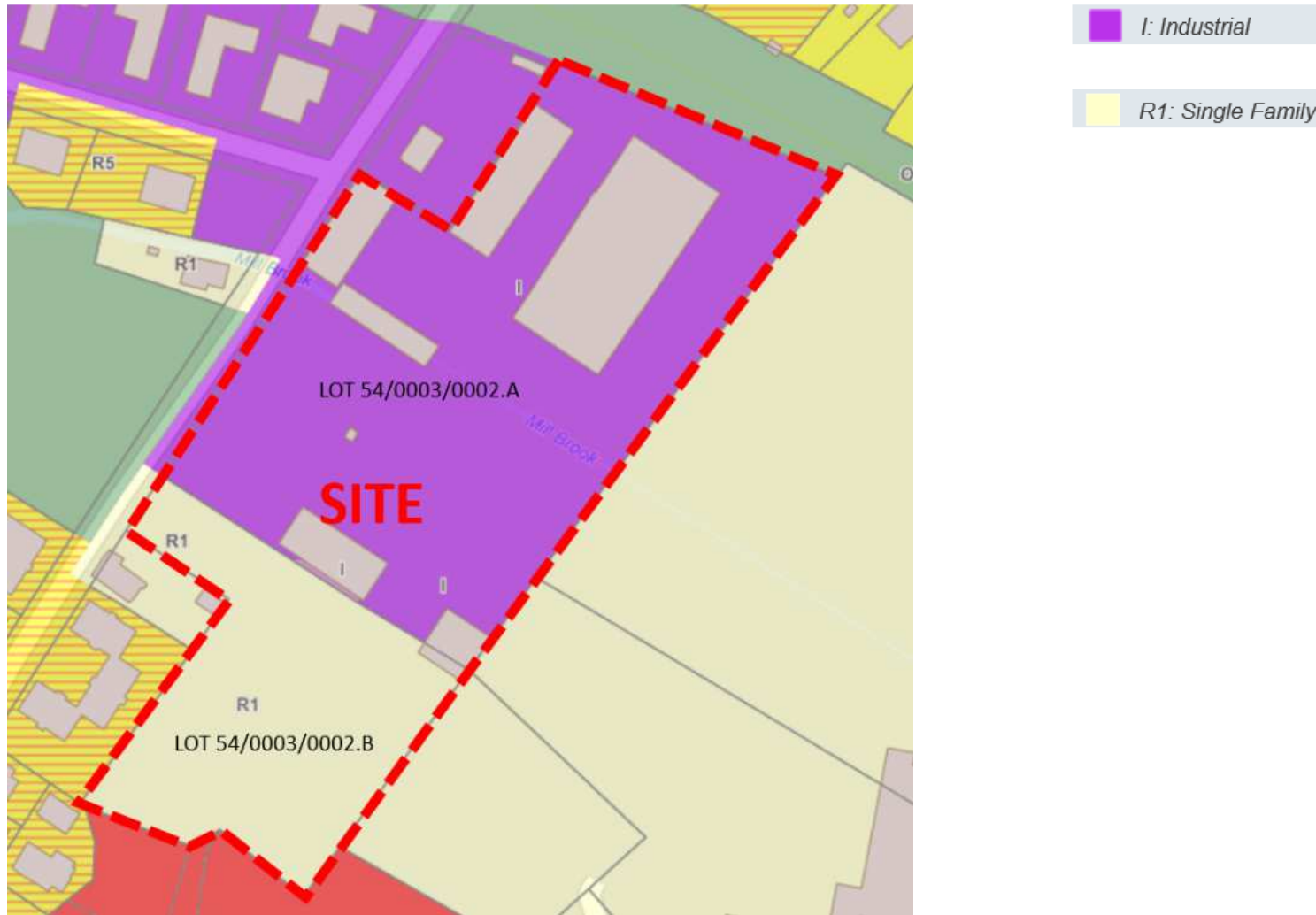


### Zoning Districts

- |  |  |
|--|--|
|  I: Industrial     |  B2A: Major Business        |
|  R1: Single Family |  R5: Apartments Low Density |

# Town of Arlington New / Upgraded Municipal Facility

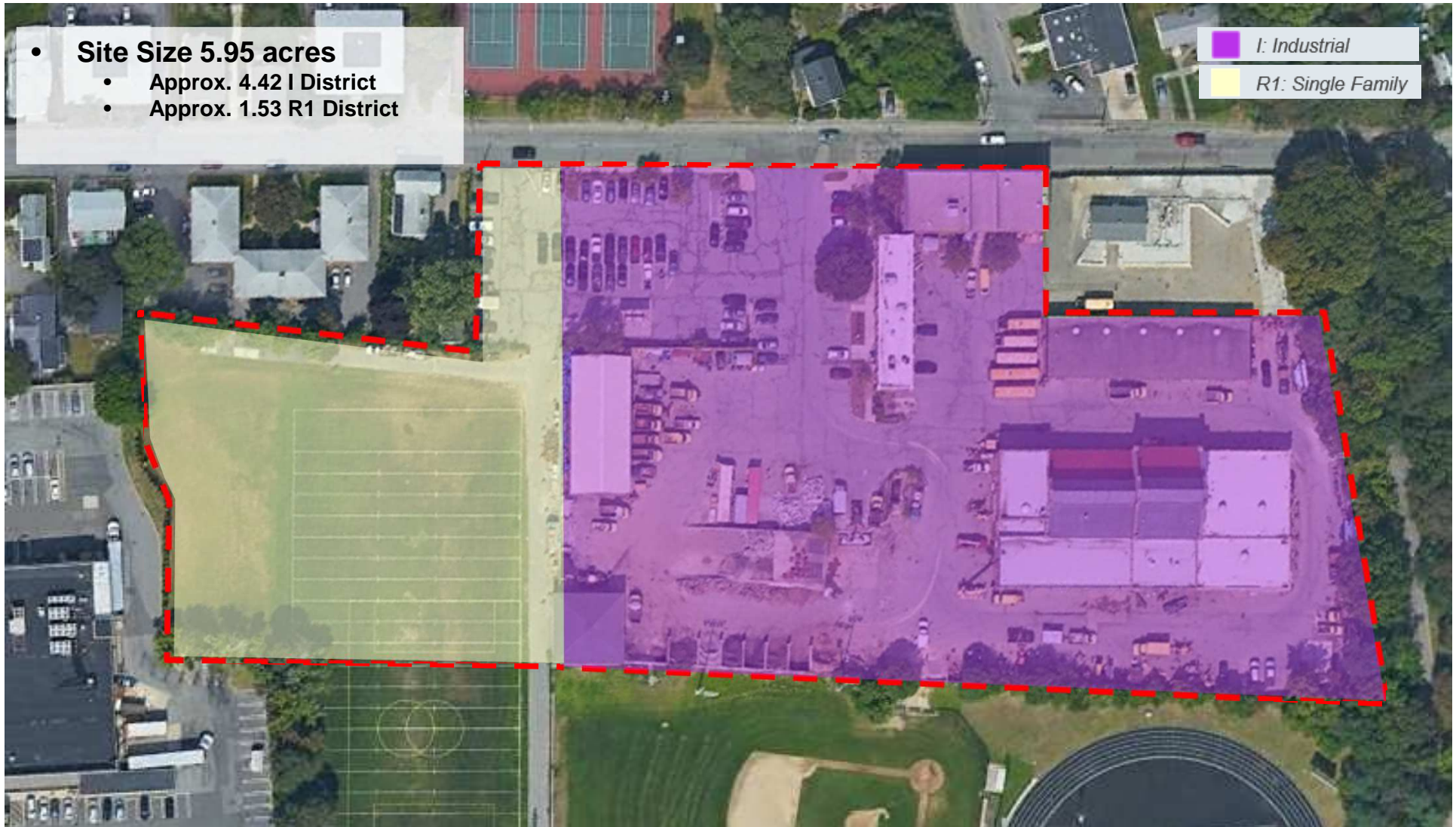
## Proposed Municipal Facility - 51 Grove Street





Town of Arlington  
**New / Upgraded Municipal Facility**

**Existing DPW Facility - 51 Grove Street and Adjacent Town Owned Parcel**





Town of Arlington  
**New / Upgraded Municipal Facility**

**Existing DPW Facility - 51 Grove Street**

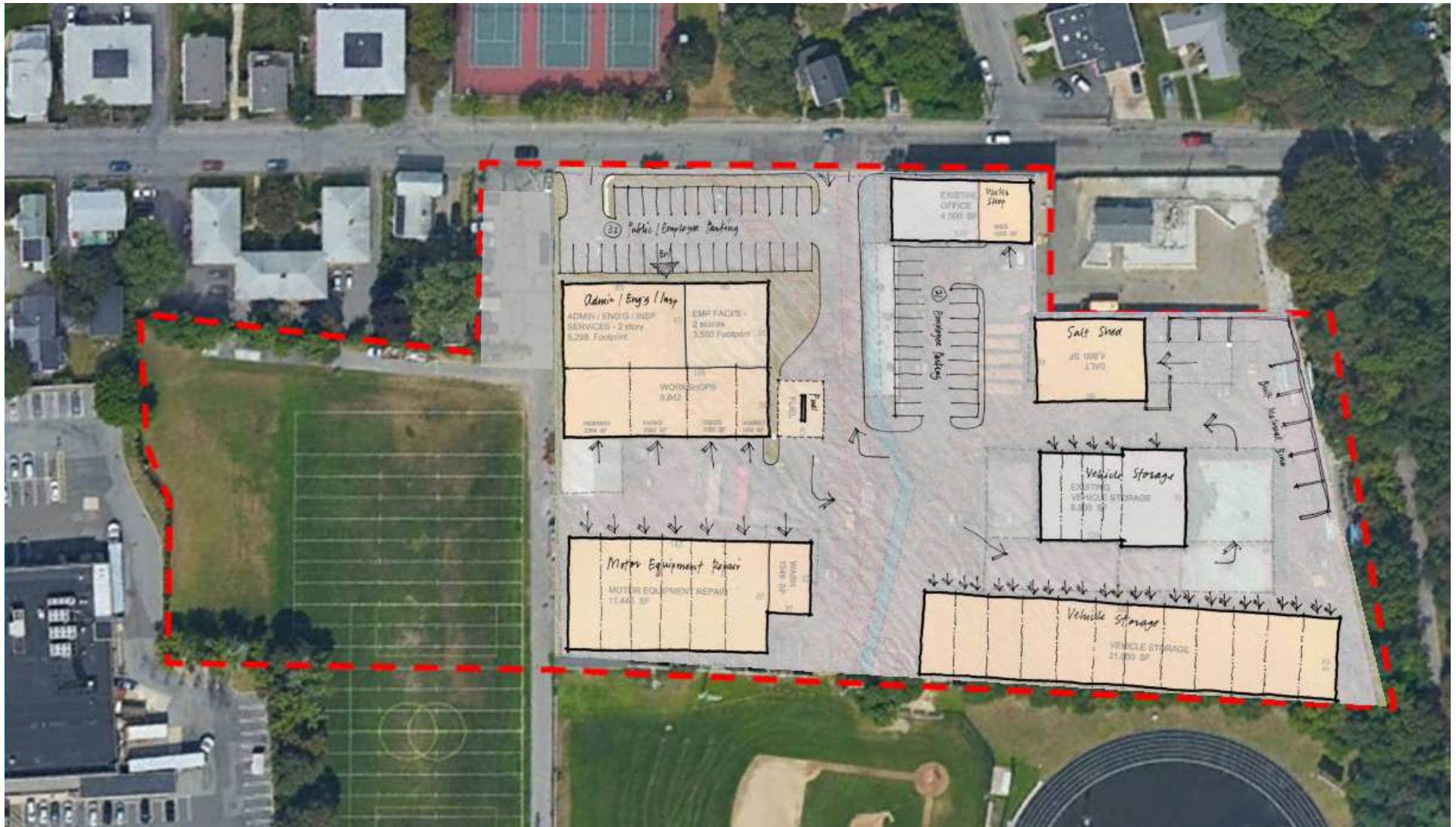
- Initial Plan was to develop site for DPW and ISD functions only

**Original  
Development Area**



# Town of Arlington New / Upgraded Municipal Facility

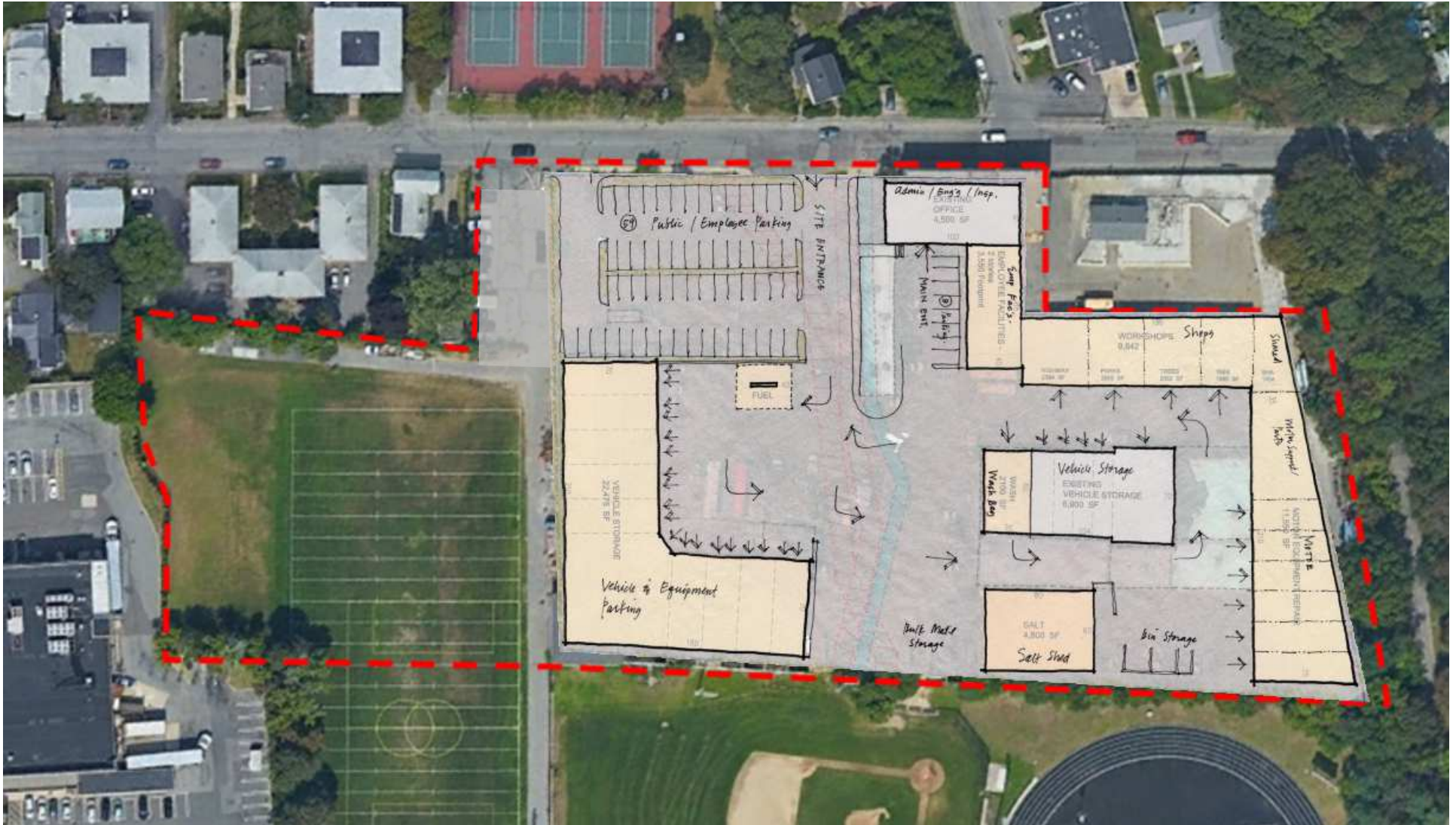
## Initial Concepts for DPW and ISD





# Town of Arlington New / Upgraded Municipal Facility

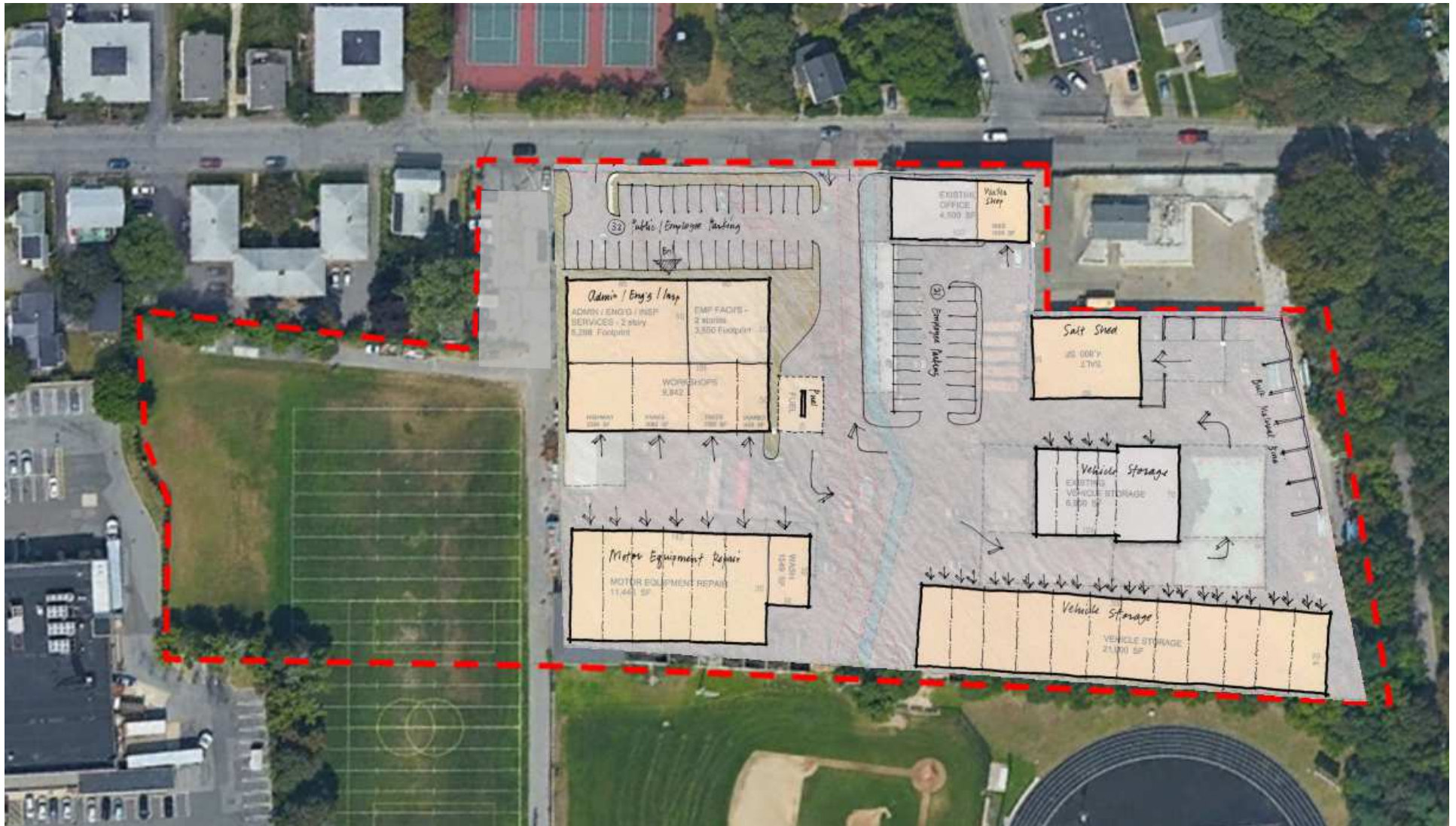
## Initial Concepts for DPW and ISD





# Town of Arlington New / Upgraded Municipal Facility

## Initial Concepts for DPW and ISD



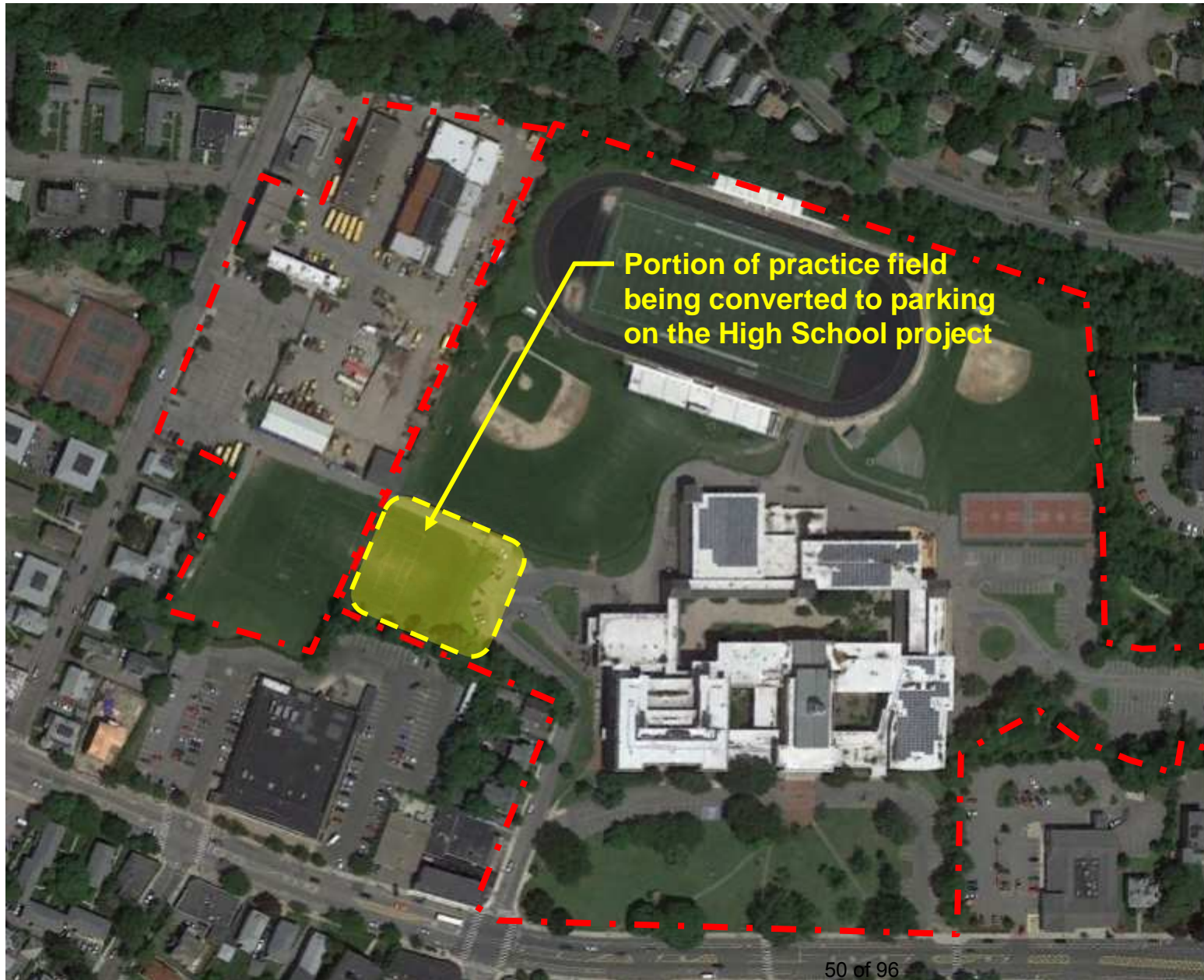
Town of Arlington  
**New / Upgraded Municipal Facility**

**Program Modifications to Accommodate Municipal Campus**

- **Town Requested that the Facilities and IT Departments be relocated from the High School to the DPW site**
  - Addition of approximately 11,000 SF of building space
  - Addition of 30 more parking spaces for IT, Facilities, and visitors
- **Concept Considerations**
  - Evaluated existing 4.4-acre DPW parcel to determine if it could accommodate the additional program
  - Site was not suitably sized to accommodate additional building program and parking
  - Evaluated expansion options to include use of a portion of the adjacent field area
    - Decision was made with the High School project team to located a central parking area on the former practice field area and provide a 3<sup>rd</sup> access point to the school
    - Field area was historically used for industrial purposes (large gas storage tank location)
    - Site has historic contamination and DEP engineered and contact barriers



Town of Arlington  
**New / Upgraded Municipal Facility**





# Town of Arlington New / Upgraded Municipal Facility



Portion of practice  
field proposed to be  
used by the Municipal  
Facility



Town of Arlington  
**New / Upgraded Municipal Facility**





# Town of Arlington New / Upgraded Municipal Facility

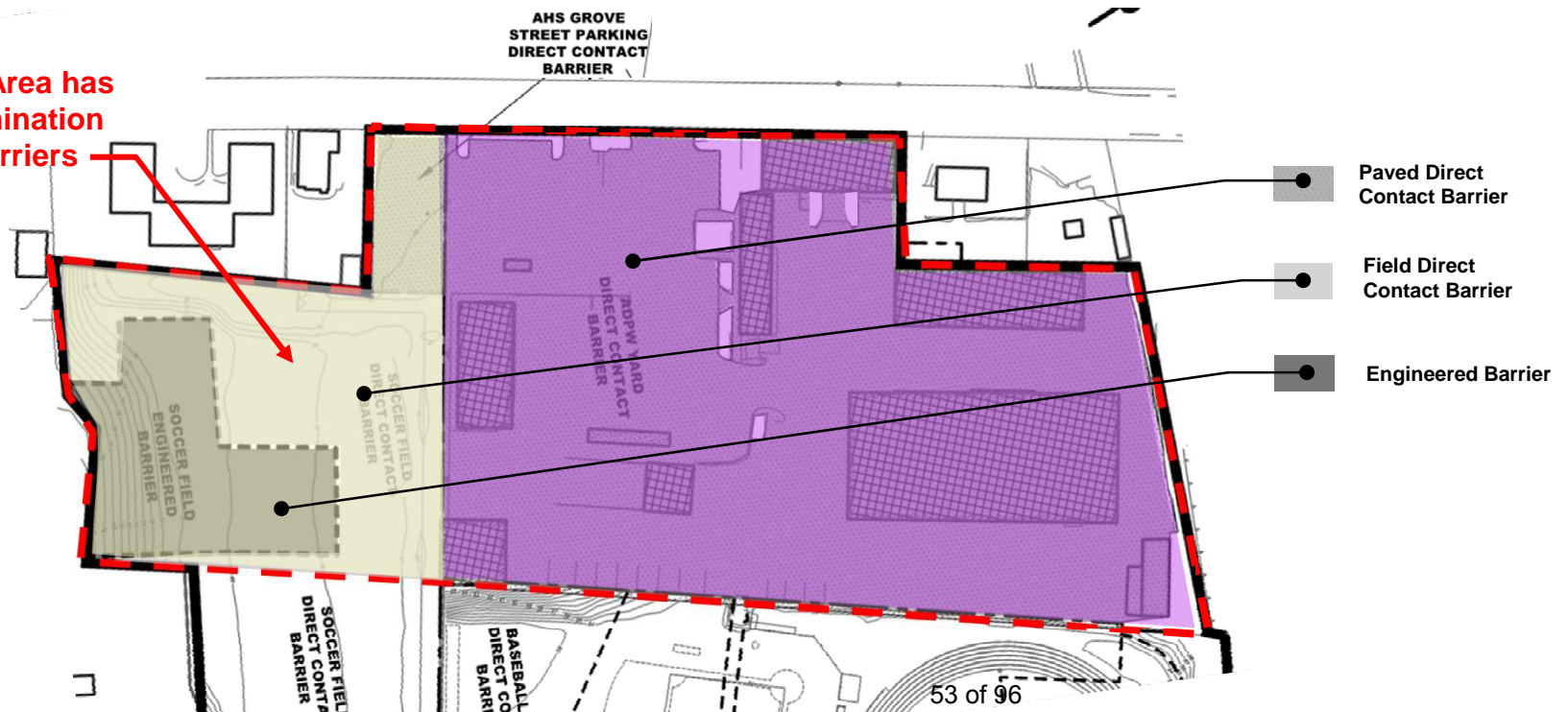
## Massachusetts DEP Site Constraints

### 1.2.1 ADPW Yard Direct Contact Barrier

Under the Temporary Solution for the ADPW Yard, the entire surface of the ADPW Yard including the existing buildings have been defined as a Direct Contact Barrier (DCB).

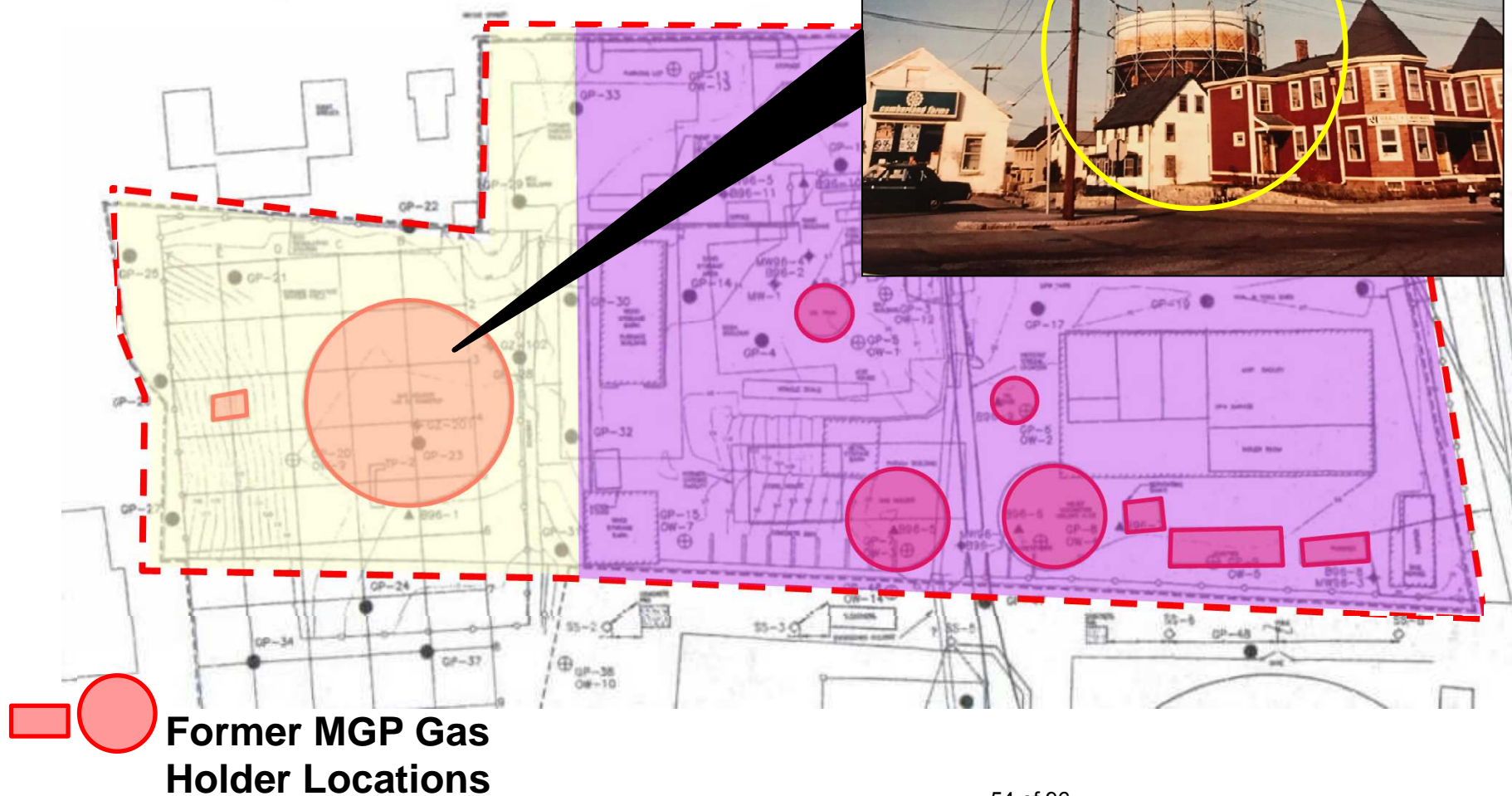
The barrier systems will be maintained to reduce the potential for erosion from surface runoff, settlement of the underlying material, adverse weather conditions, vehicular traffic, and from damage by burrowing animals. The Engineered Barriers and Direct Contact Barriers will be maintained and will be routinely inspected by the Town and/or the Trust to prevent exposure(s) to underlying contaminated soil through direct contact, ingestion, and/or inhalation. Inspection and maintenance activities will be performed in accordance with Table 2-1 of this OMMP.

This entire R1 Area has  
historic contamination  
with MADEP barriers



# Town of Arlington New / Upgraded Municipal Facility

## Historic Location of Gas Holder Tank



# Proposed Municipal Facility Site Plan

**PROPOSED DPW FACILITY**

**BLDG A**  
2 STORY ADMIN/ONSP EMPLOYEE FACILITIES  
100' WETLAND BUFFER  
25' (DOUBLE) SLIDING GATE  
GATE OPERATOR ON CONC PAD  
3'x18' ACCESSIBLE STALL WITH SIGN (TYP)  
(3) 8'x18' CONC. PAD

**BLDG B**  
(2) 8'x18' VAN ACCESSIBLE STALL WITH SIGN (TYP)  
6' SIDEWALK CONC. STAIRS WITH HAND RAIL  
PROP RETAINING WALL  
CONC. SIDEWALK WITH STAIRS AND HAND RAIL

**BLDG C**  
100' WETLAND BUFFER  
200' RIVERFRONT AREA  
HMA PAVEMENT (TYP)

**BLDG D**  
100 YEAR FLOOD LINE PER FEMA

**PROPOSED SALT SHED**  
4' MAN GATE  
HMA PAVEMENT INSIDE SALT SHED  
25'x48' CONC. PAD  
MSE RETAINING WALL 8' CLF GUARD RAIL (TYP)  
20'x48' CONC. PAD

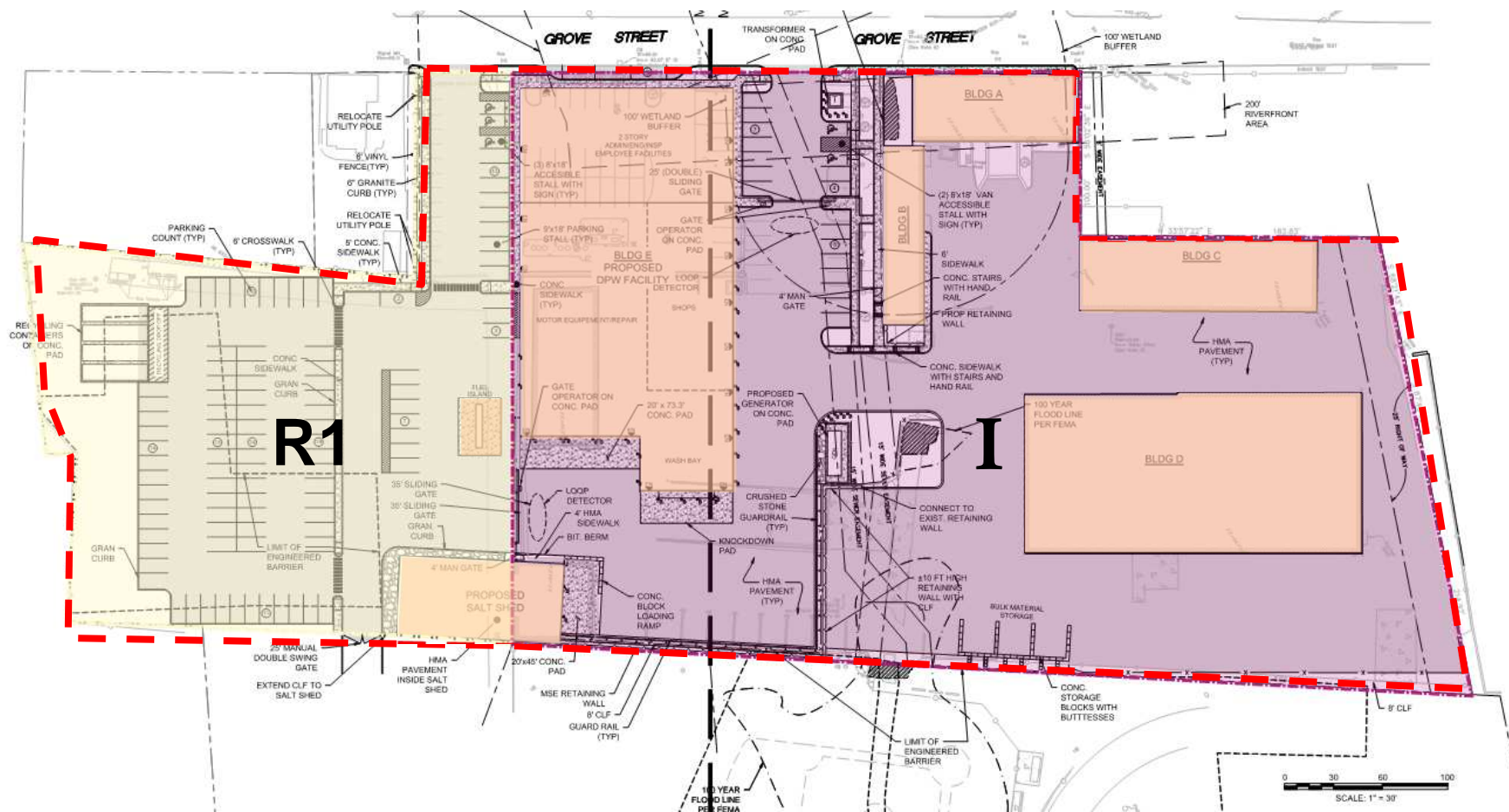
**Other Features:**  
RELOCATE UTILITY POLE  
6" VINYL FENCE (TYP)  
6" GRANITE CURB (TYP)  
PARKING COUNT (TYP)  
6" CROSSWALK (TYP)  
5' CONC. SIDEWALK (TYP)  
CONC. SIDEWALK  
GRAN CURB  
LIMIT OF ENGINEERED BARRIER  
25' MANUAL DOUBLE SWING GATE  
EXTEND CLF TO SALT SHED  
FUEL ISLAND  
35' SLIDING GATE  
35' SLIDING GATE GRAN CURB  
LOOP DETECTOR  
4' HMA SIDEWALK BIT BERM  
GATE OPERATOR ON CONC PAD  
20' x 73.3' CONC. PAD  
WASH BAY  
PROPOSED GENERATOR ON CONC PAD  
CRUSHED STONE GUARDRAIL (TYP)  
HMA PAVEMENT (TYP)  
KNOCKDOWN PAD  
110 FT HIGH RETAINING WALL WITH CLF  
RULK MATERIAL STORAGE  
CONC. STORAGE BLOCKS WITH BUTTRESSES  
8' CLF  
LIMIT OF ENGINEERED BARRIER  
100 YEAR FLOOD LINE PER FEMA  
SCALE: 1" = 30'



# Town of Arlington New / Upgraded Municipal Facility

## Proposed Municipal Facility Site Plan

- Current Zoning with (I) Industrial and (R1) Single Family



# Proposed Municipal Facility Site Plan

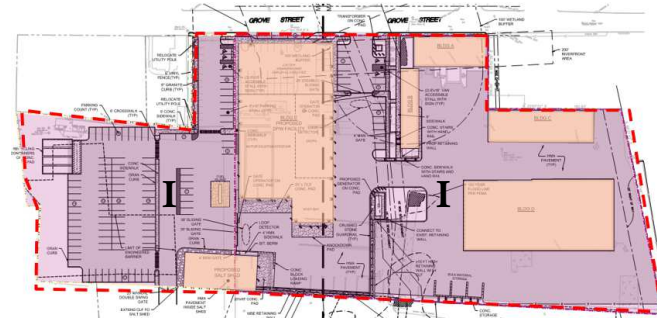
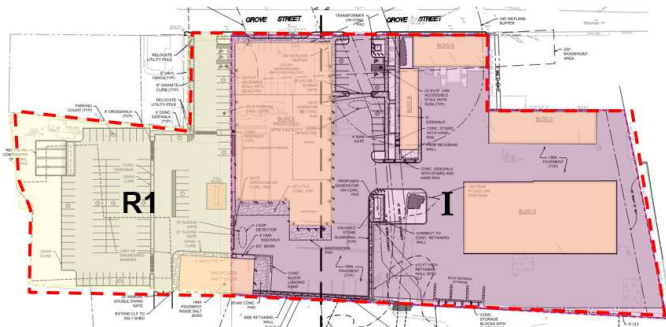
- [illegible]

# Town of Arlington

## New / Upgraded Municipal Facility

### Program Modifications to Accommodate Municipal Campus

- The Town is requesting that Lot 54/0003/0002.B be changed from Zoning District R1 to I.
- The requested change is consistent with the historic use of the parcel for industrial purposes as evident by the gas tank location and historic contamination.
- The site cannot be used for residential use due to the existing historic contamination.
- Decision was made with the High School project team to located a central parking area for both projects on the practice field area and to provide a 3rd access point to the school.
- This will provide the Town with a consistent Zoning District for the Town Yard/Municipal Facility allowing the Town to meet the project goals and apply the appropriate and consistent zoning criteria based on the use of the site.
- This zoning change will support the development of the new Municipal Facility which houses operations used to support essential services provided to the Town on a daily basis.



# Town of Arlington New / Upgraded Municipal Facility







**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 of Planning and Community Development

Date: October 27, 2020

RE: Warrant Article 20 for 2020 Special Town Meeting

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The following memo intends to provide additional information in response to comments received at the October 22, 2020 public hearing relative to Warrant Article 20. This information is provided as an addendum to the October 20, 2020 memo from my Department which provided background information relative to this Article.

This amendment provides an additional option for the Zoning Board of Appeals or Redevelopment Board to reduce parking requirements related to businesses only in the B3 or B5 zones by amending Section 6.1.5. The current options in this section of the Zoning Bylaw include parking reduction options in a broader number of zoning districts -- R5, R6, R7, Business, and Industrial Zones to be precise. The options relate to providing shared parking options or off-site parking options and requiring applicants to comply with an approved Transportation Demand Management plan.

The proposed wording of the amendment would provide these Boards with an option they do not currently have. They would first determine if the creation of new parking is impracticable and there is adequate nearby on-street parking or municipal parking, and then be able to reduce the parking required to less than 25 percent or eliminate the amount of on-site parking required altogether.

The wording and intent of the amendment is for businesses, not residential developments. Existing residential developments in B3 and B5 may not have additional needs for overnight parking. While we cannot adequately determine if there will or will not be future requests for overnight parking, we can note that these types of requests are by their nature, discretionary requests and reviewed on a case-by-case basis by the Select Board. It is challenging to determine how many new requests for overnight parking there could be in the future specifically as a result of this amendment and particularly because this amendment does not impact residential development which triggers such a request. In reviewing Select Board meetings, there has been only one request for overnight parking in Arlington over the past year.

Finally, future businesses that may receive relief via this amendment would be served by existing on-street and municipal parking, including handicap placard (HP) parking spaces that are on-street or in municipal lots; this does not rule out the creation of more HP spaces should that need arise. Better parking management can address competition and turnover issues in the B3/B5 zoning districts, and Arlington Center already has meters to ensure people are using on-street and municipal parking efficiently. There are currently many ways to access B3/B5 districts that should be encouraged and made easier so that car parking is available for those who cannot reach these districts through any other mode of transport.



## 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.



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

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

**MEMORANDUM**

To: Jennifer Raitt, Director, Dept. of Planning and Community Development  
From: Kelly Lynema, Senior Planner  
Date: October 27, 2020  
RE: Demolitions and Development of Single- and Two-Family Homes, 2010-2019

---

This memo provides data on the demolition of single-family homes and their subsequent replacement with single- or two-family homes over the ten-year period between 2010 and 2019. The data below reflects information collected in the preparation of the *Report on Demolitions and Replacement Homes*, as well as data for July 2019 through December 31, 2019.

Of the building permits issued during this period that were discussed in the *Report on Demolition and Replacement Homes*, 177 were specifically for the demolition of a single-family or two-family structure that was replaced by new single-family or two-family construction in the R0, R1, or R2 zoning districts. Sixty permit applications were for demolition permits to replace a single-family home with a two-family home in the R2 district. The table below shows the total number of housing units demolished and constructed, the change in median assessment values, and the difference between the sales price of the structure that was eventually demolished and the units that replaced it.

	Units Demolished	Units Constructed	Median pre-construction assessment	Med. post-construction assessment	Med. pre-demolition sales price <sup>1</sup>	Med. post-construction sales price <sup>2</sup>
Single family replacement homes (1:1 replacement)	113	114 <sup>3</sup>	\$504,100	\$898,600	\$550,000	\$1,078,750
Two-family replacement of single-family	60	120	\$616,650 <sup>4</sup>	\$731,000	\$800,000	\$769,900
Two-family replacement of two-family	8	8	n/a	\$931,900	\$893,000	\$937,500

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<sup>1</sup> Sales price is per structure sold.

<sup>2</sup> Sales price is per unit sold

<sup>3</sup> This number includes one instance of a home that was demolished, after which the lot was subdivided and two single-family homes were constructed.

<sup>4</sup> The available data on this category is limited, as when a single structure is converted to two or more units, the preconstruction assessment value is not recorded on the new property cards.

## 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

111 Sunnyside Ave  
Arlington, MA 02474  
October 7, 2020

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

Dear Arlington Redevelopment Board,

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

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

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

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

## Motivation

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

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

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

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

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

---

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

where the term "yard" is defined as follows:

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

According to these definitions, Open Space is a portion of a lot, and an adjunct to a principal building. Where the principal building is privately-owned, the open space ("yard") will also be privately-owned; unlike open space in an Open Space District, it is not a public benefit. While the definition does not preclude green spaces, it does not require open spaces to be green, or even pervious. Decks, patios, sidewalks, swimming pools, and play courts are explicitly named as examples of what Open Space can be.

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

Open Space, Usable is

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

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

Finally, we have Open Space, Landscaped:

Open space designed and developed for pleasant appearance in trees, shrubs, ground covers and grass, including other landscaped elements such as natural features of the site, walks and terraces, and also including open areas accessible to and developed for the use of the occupants of the building located upon a roof not more than 10 feet above the level of the lowest story used for dwelling purposes.

Landscaped Open Space is arguably the form of open space that's most oriented to greenery and vegetation, but again the definition stops short of making this a requirement.

In summary, I believe that the Open Space District satisfies the common-language expectations of what people understand open space to be, but the Open Space definitions in Section 2 do not. In the long term, I hope that we can revisit the way our Zoning Bylaw regulates yards<sup>2</sup>, but for the moment, my

---

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

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

## Proposal

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

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

The core change I am proposing is as follows:

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

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

~~Open Space, Landscaped~~ Yard Space, Secondary: ~~Open~~ Yard space designed and developed for pleasant appearance in trees, shrubs, ground covers and grass, including other landscaped elements such as natural features of the site, walks and terraces, and also including open areas accessible to and developed for the use of the occupants of the building located upon a roof not more than 10 feet above the level of the lowest story used for dwelling purposes.

~~Open Space, Usable~~ Yard Space, Primary The part or parts of a lot designed and developed for outdoor use by the occupants of the lot for recreation, including swimming pools, tennis courts, or similar facilities, or for garden or for household service activities such as clothes drying; which space is at least 75% open to the sky, free of automotive traffic and parking, and readily accessible by all those for whom it is required. Such space may include open area accessible to and developed for the use of the occupants of the building, and located upon a roof not more than 10 feet above the level of the lowest story used for dwelling purposes. ~~Open~~ Yard space shall be deemed ~~usable~~ Primary only if at least 75% of the area has a grade of less than 8%, and no horizontal dimension is less than 25 feet. For newly constructed single-, two-family, and duplex dwellings with surface parking, no horizontal dimension shall be less than 20 feet.

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

Thank you for your time and consideration.

Stephen A. Revilak



 **Fwd: ADUs Presentation for ARB 10/26**         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](http://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.***

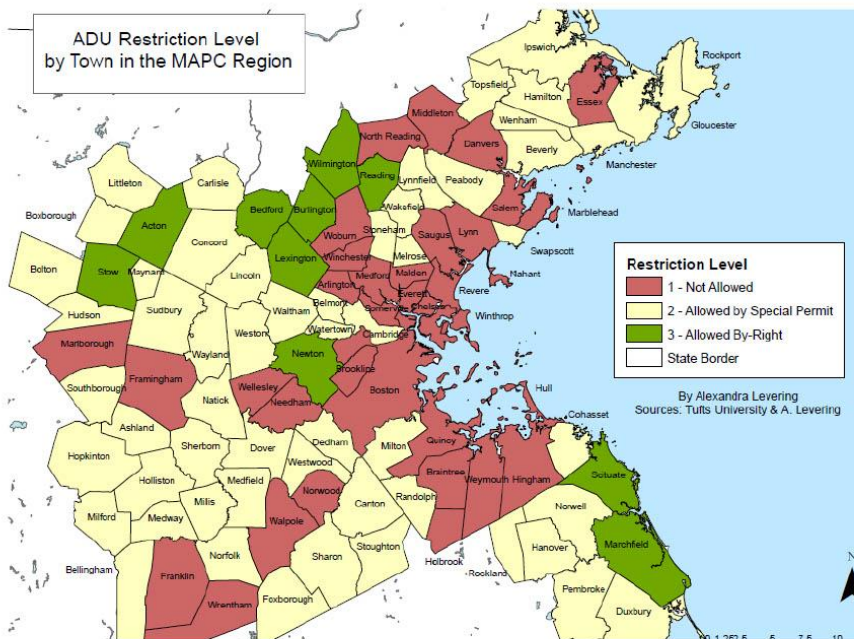
The Master Plan states ***that the American Community Survey (ACS) reports that Arlington's housing units are slightly larger than those in other inner-suburbs and small cities. In Arlington, the median number of rooms per unit is 5.7.*** There is a great deal of difference in density and housing size 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/>.



Why is it important to not add additional stipulations for approval, beyond building code and life safety code, as administered by town government professionals who administer these procedures.

Arlington is fortunate to have two different departments with dedicated, experienced professionals who bring their expertise in applying State and Federal Building and Life Safety Codes to the process of approving new construction or renovation in Arlington's housing. The town officials in these departments should not be second guessed or undermined by the whims of residents who object to potential changes in their neighborhoods. The people of Arlington have spoken through the Master Plan. The Master Plan formally recognizes the need for a much broader range of housing types for a broader diversity of Arlington residents' needs.

Arlington has a wide range of housing types, styles and ages. The primary concern for adding new housing is to make sure the additions conform to the already strict building and life safety codes. Our professional Town inspectors, both Inspectional Services and Fire Dept. staff, are able to do this on a case by case basis.

Now is the time to move forward with the approval of Accessory Dwelling Units, by amending the Zoning Code.

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:** Cheryl Marceau <cheryl.a.marceau@gmail.com>  
**Date:** October 27, 2020 at 4:08:01 PM EDT  
**To:** "jraitt@town.arlington.ma.us" <jraitt@town.arlington.ma.us>  
**Subject:** Fwd: **Arlington Needs Affordable Housing -- Not More Housing in General**

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Jenny,

I neglected to include you in the distribution for this email. Apologies for my oversight.

Cheryl Marceau

Begin forwarded message:

**From:** Cheryl Marceau <[cheryl.a.marceau@gmail.com](mailto:cheryl.a.marceau@gmail.com)>  
**Subject:** **Arlington Needs Affordable Housing -- Not More Housing in General**  
**Date:** October 27, 2020 at 2:36:09 PM EDT  
**To:** [EBenson@town.arlington.ma.us](mailto:EBenson@town.arlington.ma.us), [KLau@town.arlington.ma.us](mailto:KLau@town.arlington.ma.us),  
[keinstein@town.arlington.ma.us](mailto:keinstein@town.arlington.ma.us), [DWatson@town.arlington.ma.us](mailto:DWatson@town.arlington.ma.us),  
[JCurro@town.arlington.ma.us](mailto:JCurro@town.arlington.ma.us), [rzseberry@town.arlington.ma.us](mailto:rzseberry@town.arlington.ma.us), Len Diggins  
<[LDiggins@town.arlington.ma.us](mailto:LDiggins@town.arlington.ma.us)>, [JHurd@town.arlington.ma.us](mailto:JHurd@town.arlington.ma.us),  
[DMahon@town.arlington.ma.us](mailto:DMahon@town.arlington.ma.us), [ellisjohnr@yahoo.com](mailto:ellisjohnr@yahoo.com), [kezasimister@gmail.com](mailto:kezasimister@gmail.com),  
[urickcourtney@gmail.com](mailto:urickcourtney@gmail.com), [stacie@cbuilding.org](mailto:stacie@cbuilding.org), Jennifer Susse  
<[jennifer.susse@gmail.com](mailto:jennifer.susse@gmail.com)>, [christopher.wilbur@gmail.com](mailto:christopher.wilbur@gmail.com), Adam Auster  
<[adam.auster.arlington@gmail.com](mailto:adam.auster.arlington@gmail.com)>, [r.dratch@yahoo.com](mailto:r.dratch@yahoo.com)  
**Cc:** Cheryl Marceau <[cheryl.a.marceau@gmail.com](mailto:cheryl.a.marceau@gmail.com)>

Charlie Baker and Marty Walsh argue that we need more housing in Greater Boston because without housing, the job market here will collapse. Adam Chapdelaine and others in Arlington appear to believe that it's Arlington's responsibility to supply a disproportionate share of that housing.

Arlington is already far denser than many communities around us and within Route 128, according to the US Census Bureau's 2019 data:

Arlington:	8325 people/sq mi
Watertown:	7992 people/sq mi
Medford:	6934 people/sq mi
Melrose:	5766 people/sq mi
Belmont:	5316 people/ sq mi
Winchester:	3545 people/sq mi
Lexington:	1910 people/sq mi

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If higher density really resulted in lower prices due to increased supply, then Arlington should be cheaper than Medford or Melrose, yet it is not. This data alone suggests that there is no clear relationship between density and price. Somerville and Cambridge are far from cheap, despite their vastly greater density (18,404/sq mi and 16,470/sq mi respectively).

All you have to do is check Zillow (flawed though it is) or drive around the area to see significant numbers of vacant housing units as well as plenty of new housing being built. The new construction may not be in Arlington, but it is in the area, including right on our borders. We've also added plenty of housing within Arlington, including the huge apartment complex behind Tokyo Taipei in the Center and the mixed-development complex on the Symmes site. (In a post-COVID world, the demand for housing in the greater Boston area may be permanently lower than its pre-COVID levels, and nothing under discussion seems to reflect that reality.)

Unlike many other cities and towns nearby, not to mention throughout the metro area, Arlington has almost no land suitable for commercial development. What little there is, e.g. behind the Mirak property in the Heights, has been approved for more housing rather than the light industry which could thrive there and provide us with a greater industrial base. Has the town done one single thing to explore or encourage such light industry? If so, it is not apparent. I'm thinking small grain mills, breweries, distilleries, other light manufacturing and other small businesses which would be well suited to our town.

Adding so-called mixed use development involving storefronts has little impact on our commercial tax base, and there's no evidence that demand for storefronts will ever come back to the levels of the past decade, when retail stores began shuttering left and right. High density and foot traffic have not saved small businesses in Porter Square, Harvard Square, or Back Bay, to name a few high density neighborhoods where there is plenty of foot traffic and people with disposable income.

Increased residential development has one more serious flaw, particularly if we add housing that is open to families with children (vs senior-only housing, for example). Every new unit of housing that we add costs us more to service than it brings in tax revenues. Al Tosti and the Finance Committee have done the analysis and documented this quite clearly. We are already at a breaking point in terms of property tax burdens on our seniors and on those of more limited resources in this town. Many people will be forced to move in the next 10 years due to the tax burdens of the overrides, the Minuteman Tech debt exclusion, and the AHS debt exclusion.

My husband and I are landlords and provide below-market rented housing to retirees, yet we were forced to raise the rent for the first time in several years due to our tax increases, and I fear that we will have to keep raising the rent every year for as long as we own our 2-family house. The same thing is playing out all over town. Added residential development will not improve this scenario. Other cities and towns inside 128 have significant commercial development to offset the cost of providing services to the town, but Arlington does not. Nor do I see the governor and Mayor Walsh supporting property tax measures which would level this particular playing field.

It is in our interests to maintain a vibrant community by creating economic diversity. There is zero proof that economic diversity drives racial diversity despite the fervent belief that it would, and I don't suggest that will happen here simply by creating even more density. We need to work hard to create a community – including a public school system – that is welcoming and inclusive if we want racial diversity. Economic diversity requires affordable housing, and that is what the entire metro area lacks. We do not need more million dollar condos and multimillion dollar houses. We need affordable housing.

Section 40b is 50 years old at this point, and it is a dismal failure in terms of driving affordability. I liken it to trickle-down economics – trickle-down affordability, if you will. The only way we make a meaningful dent in affordability is to build actual affordable housing, not hope that developers will squeeze out enough units here and there to meet the need.



Along with affordable housing, we need to preserve open space. Clean air is a diversity issue. You've surely read multiple articles in recent months about how air pollution makes COVID more deadly in poor communities. Open space that has trees and grass helps to mitigate air pollution effects. Balconies on condos are NOT open space, by the way, nor is a paved parking lot. Parks and playgrounds and yards with trees and grass are open space.

Town Meeting rejected density proposals last year that were less draconian than those before us this year. I'm deeply concerned that our town officials, elected and appointed, would neglect the wishes of the voters along with the needs of the community for affordability and clean air. Density is not the answer. I urge Precinct 3 TMMs to vote NO and I express my great dissatisfaction that town officials would support the measures under consideration.

Cheryl Marceau

When it comes to housing, the laws of supply and demand don't apply the way they do to commodities. One house is not like any other house, and one town is not like any other 77 of 96

town. Adding some more housing does not drive down the price. Even adding a lot of housing does not necessarily drive down the price. We've added a lot of housing in Arlington since I moved here in 1980, as have Cambridge and Somerville

Adding a little more housing in Arlington – an ADU here, a condo building there – will add marginally to the total housing in a region that is already seeing plummeting COVID vacancy rates.

Making Arlington more dense for the sake of density will not make housing here cheaper, nor will it magically fill vacant storefronts. Take a look at Porter Square, Harvard Square, Back Bay, and other dense neighborhoods. Somerville's density is in the multiples of Arlington's,

**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

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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, RZseberry@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

**New single family (primary\_land\_use = 101), built during or after 2015**

assessed year	parcel id	street number	alternate street number	street name	condo unit #	zoning code	primary land use	year built	total acres	gross building area	finished building area	total land value	total yard item	total building value	total assessed value
2020	012.0-0003-0003.B	131		LAKE ST		R1	101	2015	0.209	7688	4414	554,300	0	876,300	1,430,600
2020	012.0-0003-0020.0	24		PRINCETON RD		R1	101	2017	0.155	12879	5071	528,600	0	1,011,900	1,540,500
2020	018.0-0005-0003.0	15		COLONIAL DR		R1	101	2018	0.133	12060	4246	505,200	400	778,000	1,283,600
2020	018.0-0006-0002.0	49		COLONIAL DR		R1	101	2016	0.142	6564	4155	514,500	0	839,600	1,354,100
2020	019.0-0002-0001.0	59		SPY POND PKWY		R1	101	2015	0.179	5272	3262	555,300	0	1,007,700	1,563,000
2020	024.0-0004-0002.0	72		HENDERSON ST		R1	101	2016	0.123	4741	3059	465,000	700	810,300	1,276,000
2020	037.0-0001-0004.0	94		DECATUR ST		R1	101	2016	0.272	5968	3470	496,400	0	736,200	1,232,600
2020	037.0-0001-0005.A	92		DECATUR ST		R1	101	2016	0.363	11230	3002	572,100	0	749,500	1,321,600
2020	037.0-0001-0005.B	90		DECATUR ST		R1	101	2016	0.358	5968	3470	568,400	0	826,300	1,394,700
2020	070.0-0001-0002.0	330		MYSTIC ST		R1	101	2018	0.181	4388	3862	413,600	0	768,700	1,182,300
2020	070.0-0001-0007.0	107		STOWECROFT RD		R1	101	2018	0.171	6660	3695	450,500	0	892,300	1,342,800
2020	071.0-0001-0009.0	34		BEVERLY RD		R1	101	2019	0.165	5980	4550	445,100	0	846,600	1,291,700
2020	072.0-0002-0001.0	24		CROSBY ST		R1	101	2018	0.162	5483	3557	442,100	700	810,700	1,253,500
2020	072.0-0002-0002.0	27		COLUMBIA RD		R1	101	2018	0.139	5390	3265	420,900	0	736,900	1,157,800
2020	075.0-0002-0009.0	48		ROBIN HOOD RD		R0	101	2018	0.172	27032	3829	677,300	3400	1,014,000	1,694,700
2020	079.0-0004-0001.0	20		BRATTLE PL		R1	101	2015	0.306	5348	3467	573,700	0	715,800	1,289,500
2020	080.0-0006-0003.0	6		BRATTLE TERR		R2	101	2015	0.119	4316	2952	403,200	0	677,200	1,080,400
2020	087.0-0002-0007.B	6		LILLIAN LN		R1	101	2017	0.183	6816	4636	461,600	0	969,400	1,431,000
2020	088.0-0001-0014.0	68		WOODSIDE LN		R1	101	2017	0.165	7476	3556	444,600	0	248,600	693,200
2020	092.0-0006-0016.0	51		EPPING ST		R1	101	2016	0.241	5009	3301	514,500	0	765,800	1,280,300
2020	097.0-0002-0002.0	21		HUTCHINSON RD		R0	101	2019	0.211	12006	4241	487,200	17500	866,900	1,371,600
2020	097.0-0002-0002.A	25		HUTCHINSON RD		R0	101	2019	0.221	11466	4241	496,100	12400	964,600	1,473,100
2020	101.0-0005-0013.0	47		GREELEY CIR		R1	101	2017	0.155	7899	3733	435,800	0	988,400	1,424,200
2020	101.0-0005-0020.0	19		GREELEY CIR		R1	101	2017	0.309	10450	3269	576,200	0	780,500	1,356,700
2020	102.0-0005-0003.0	175		OVERLOOK RD		R1	101	2018	0.152	4209	3073	432,600	0	791,000	1,223,600
2020	103.0-0001-0003.0	82		HUTCHINSON RD		R0	101	2017	0.317	11664	4749	620,300	0	949,900	1,570,200
2020	104.0-0006-0003.0	198		OVERLOOK RD		R1	101	2015	0.158	3940	3160	438,300	0	717,400	1,155,700
2020	104.0-0007-0004.0	330		RIDGE ST		R1	101	2018	0.166	11300	4596	446,200	800	797,400	1,244,400
2020	105.0-0004-0008.0	38		OLD MIDDLESEX PATH		R0	101	2015	0.238	7087	4066	512,000	0	869,400	1,381,400
2020	105.0-0004-0011.0	21		OLD COLONY RD		R0	101	2017	0.208	11296	3496	484,300	0	895,200	1,379,500
2020	106.0-0003-0002.0	9		FOX MEADOW LN		R0	101	2015	0.276	5080	3436	546,400	800	763,100	1,310,300
2020	107.0-0001-0002.A	22		OLDHAM RD		R0	101	2018	0.352	38161	5209	615,500	0	1,313,700	1,929,200
2020	107.0-0002-0004.0	25		COUNTRY CLUB DR		R0	101	2015	0.217	7021	3748	492,800	0	886,000	1,378,800
2020	107.0-0002-0004.A	27		OLDHAM RD		R0	101	2015	0.208	6122	4304	484,300	0	862,300	1,346,600

2020	108.0-0002-0009.0	22	LAWRENCE LN	R1	101	2017	0.215	4524	2381	490,400	800	549,500	1,040,700
2020	108.0-0002-0015.0	12	CLYDE TERR	R1	101	2018	0.16	11983	4294	440,300	9700	860,800	1,310,800
2020	110.0-0001-0017.0	105	ORIENT AVE	R1	101	2015	0.159	2798	1874	395,600	800	484,000	880,400
2020	114.0-0001-0003.A	225	MOUNTAIN AVE	R1	101	2019	0.14	11253	4056	422,000	0	779,800	1,201,800
2020	114.0-0004-0014.0	246	MOUNTAIN AVE	R1	101	2018	0.181	11346	3843	459,500	0	920,100	1,379,600
2020	114.0-0011-0001.0	35	AERIAL ST	R1	101	2015	0.143	4223	3113	425,200	0	643,400	1,068,600
2020	116.0-0010-0008.A	11	HANCOCK ST	R1	101	2015	0.144	4256	3096	426,000	0	735,300	1,161,300
2020	117.0-0001-0006.0	71	DOTHAN ST	R1	101	2016	0.22	4340	2756	495,600	0	614,300	1,109,900
2020	117.0-0002-0017.0	72	THESDA ST	R1	101	2016	0.219	4819	3034	494,600	0	700,700	1,195,300
2020	117.0-0003-0007.A	54	DOTHAN ST	R1	101	2015	0.157	4860	3072	437,500	500	629,700	1,067,700
2020	118.0-0005-0004.C	131	WRIGHT ST	R1	101	2017	0.167	6249	4898	446,700	0	909,500	1,356,200
2020	118.0-0005-0005.A	135	WRIGHT ST	R1	101	2017	0.139	7184	3510	421,300	0	923,500	1,344,800
2020	118.0-0008-0002.A	341	FOREST ST	R1	101	2016	0.181	5321	4081	459,900	0	858,000	1,317,900
2020	119.0-0001-0014.0	304	WASHINGTON ST	R1	101	2015	0.145	3904	3121	426,800	700	776,100	1,203,600
2020	120.0-0007-0001.0	89	MORNINGSIDE DR	R1	101	2018	0.138	6004	2786	378,400	0	877,400	1,255,800
2020	120.0-0007-0001.B	306	RIDGE ST	R1	101	2018	0.143	4862	3581	382,400	0	1,024,300	1,406,700
2020	122.0-0005-0017.0	17	01/02/20 LAKEVIEW	R1	101	2015	0.21	5518	4431	625,000	0	898,400	1,523,400
2020	129.0-0001-0010.0	83	IRVING ST	R1	101	2018	0.147	4928	2952	550,700	0	583,700	1,134,400
2020	132.0-0002-0002.0	110	IRVING ST	R1	101	2017	0.179	5604	3818	470,600	600	791,000	1,262,200
2020	136.0-0003-0001.A	86	KENSINGTON PK	R1	101	2015	0.138	5638	3773	540,100	1000	924,400	1,465,500
2020	136.0-0003-0008.0	62	KENSINGTON PK	R1	101	2017	0.138	8764	3201	540,000	0	646,400	1,186,400
2020	137.0-0003-0001.0	247	PLEASANT ST	R1	101	2016	0.141	4953	3347	544,300	0	755,300	1,299,600
2020	138.0-0003-0010.A	79	HILLSDALE RD	R1	101	2015	0.148	5564	3689	551,600	0	723,500	1,275,100
2020	138.0-0003-0013.0	60	PLEASANT VIEW RD	R1	101	2017	0.165	8120	2652	571,500	0	584,400	1,155,900
2020	138.0-0003-0014.B	21	SPRING ST	R1	101	2015	0.224	6034	3646	641,300	0	715,000	1,356,300
2020	144.0-0007-0005.0	153	NEWPORT ST	R1	101	2017	0.102	3739	2914	442,900	0	882,500	1,325,400
2020	150.0-0002-0014.0	89	ROBBINS RD	R1	101	2018	0.109	4772	3148	449,400	600	688,900	1,138,900
2020	151.0-0002-0028.0	96	OAKLAND AVE	R1	101	2017	0.233	6000	3801	506,900	0	701,400	1,208,300
2020	155.0-0002-0007.0	147	GEORGE ST	R1	101	2017	0.138	5482	3398	420,000	4200	890,500	1,314,700
2020	155.0-0004-0014.0	272	RENFREW ST	R1	101	2018	0.138	6824	4241	420,000	1100	855,400	1,276,500
2020	157.0-0005-0001.0	197	WACHUSETT AVE	R1	101	2017	0.161	11280	3000	441,000	0	920,400	1,361,400
2020	159.0-0002-0004.0	142	WACHUSETT AVE	R1	101	2017	0.207	5635	3478	458,900	0	926,100	1,385,000
2020	159.0-0008-0012.0	172	RENFREW ST	R1	101	2017	0.138	6692	5198	420,000	0	1,067,600	1,487,600
2020	159.0-0011-0017.0	48	GEORGE ST	R1	101	2017	0.138	7436	4043	420,000	0	992,100	1,412,100
2020	159.0-0012-0004.0	199	RENFREW ST	R1	101	2015	0.138	4349	3205	420,000	0	770,600	1,190,600
2020	162.0-0001-0001.A	40	LINDEN ST	R1	101	2015	0.184	5206	4040	393,000	0	838,200	1,231,200
2020	168.0-0002-0009.0	63	GEORGE ST	R1	101	2017	0.138	6225	4904	420,000	300	1,041,600	1,461,900
2020	168.0-0002-0010.A	67	GEORGE ST	R1	101	2016	0.149	5679	3446	430,500	0	871,600	1,302,100
2020	168.0-0007-0001.A	119	CHARLTON ST	R1	101	2019	0.15	9344	4312	431,200	0	947,500	1,378,700
2020	169.0-0002-0003.0	60	WACHUSETT AVE	R1	101	2018	0.168	5503	3612	447,300	0	803,900	1,251,200

2020	174.0-0007-0017.A	53	LANCASTER RD	R1	101	2019	0.257	11667	3033	476,100	0	539,700	1,015,800
2020	175.0-0004-0014.0	48	RUBLEE ST	R1	101	2019	0.201	5994	3106	478,200	0	688,400	1,166,600
2020	175.0-0006-0002.0	20	NICOD ST	R1	101	2017	0.157	9200	3399	437,600	0	787,700	1,225,300
2020	179.0-0006-0023.0	488	APPLETON ST	R1	101	2015	0.246	7396	4779	518,800	0	945,000	1,463,800
2020	179.0-0006-0023.B	492	APPLETON ST	R1	101	2015	0.253	8084	5036	525,100	0	951,800	1,476,900
2020	179.0-0006-0023.D	490	APPLETON ST	R1	101	2015	0.248	7888	4887	520,500	0	953,200	1,473,700
2020	180.0-0007-0010.0	19	GOLDEN AVE	R1	101	2017	0.15	7288	2062	431,400	0	482,200	913,600
2020	184.0-0002-0005.0	11	KIPLING RD	R1	101	2016	0.185	5944	4023	463,300	400	645,600	1,109,300
2020	184.0-0005-0003.0	11	CAMPBELL RD	R1	101	2017	0.146	6259	5030	427,500	1300	994,700	1,423,500
2020	185.A-0003-0011.0	50	HATHAWAY CIR	R1	101	2015	0.176	4367	3030	455,300	0	806,700	1,262,000

### Two family homes (primary\_land\_use = 104) built on or after 2015

assessed		street	alternate		condo	zoning	primary			gross	finished		total	total	total
year	parcel id	number	street	street name	unit #	code	land use	year built	acres	building area	building area	total land value	yard item	building value	assessed value
2020	045.0-0002-0002.A	13	-15	CHESTNUT ST		B1	104	2016	0.203	7312	5745	548,000	0	946,100	1,494,100
2020	080.0-0005-0005.A	32	-34	WASHINGTON ST		R2	104	2018	0.154	5397	3465	434,500	0	951,600	1,386,100
2020	109.0-0002-0011.0	17		REED ST		R1	104	2017	0.437	3336	2184	693,400	5500	581,200	1,280,100

### New condos (primary\_land\_use = 102), built since 2015 in R2 zoning district

assessed		street	alternate		condo	zoning	primary			gross	finished		total	total	total
year	parcel id	number	street	street name	unit #	code	land use	year built	acres	building area	building area	total land value	yard item	building value	assessed value
2020	002.A-0006-0062.0	62		FAIRMONT ST		R2	102	2018	0	2617	2617	0	0	1,150,300	1,150,300
2020	002.A-0006-0064.0	64		FAIRMONT ST		R2	102	2018	0	2617	2617	0	0	1,150,300	1,150,300
2020	013.A-0012-0052.0	52		DOROTHY RD		R2	102	2016	0	2628	2628	0	0	955,300	955,300
2020	013.A-0012-0054.0	54		DOROTHY RD		R2	102	2016	0	2651	2651	0	0	960,400	960,400
2020	016.A-0004-0019.0	19		MOTT ST		R2	102	2016	0	2004	2004	0	0	858,500	858,500
2020	016.A-0004-0021.0	21		MOTT ST		R2	102	2016	0	2004	2004	0	0	877,000	877,000
2020	016.A-0004-0031.0	31		MOTT ST		R2	102	2016	0	2758	2758	0	0	912,300	912,300
2020	016.A-0004-0033.0	33		MOTT ST		R2	102	2016	0	2734	2734	0	0	907,400	907,400
2020	016.A-0006-0022.0	22		MOTT ST		R2	102	2016	0	2747	2747	0	0	938,500	938,500
2020	016.A-0006-0024.0	24		MOTT ST		R2	102	2016	0	2771	2771	0	0	943,600	943,600
2020	016.A-0006-0026.0	26		MOTT ST		R2	102	2016	0	2747	2747	0	0	906,600	906,600
2020	016.A-0006-0028.0	28		MOTT ST		R2	102	2016	0	2771	2771	0	0	911,600	911,600
2020	016.A-0006-0034.0	34	-36	MOTT ST	34	R2	102	2018	0	2140	2140	0	0	928,700	928,700
2020	016.A-0006-0036.0	34	-36	MOTT ST	36	R2	102	2018	0	2166	2166	0	0	935,100	935,100
2020	016.A-0006-0069.0	69		DOROTHY RD		R2	102	2015	0	2003	2003	0	0	870,000	870,000

2020	016.A-0006-0071.0	71	DOROTHY RD	R2	102	2015	0	2003	2003	0	0	870,000	870,000
2020	016.A-0006-0083.0	83	-85 DOROTHY RD	83 R2	102	2017	0	3246	2790	0	0	919,000	919,000
2020	016.A-0006-0085.0	83	-85 DOROTHY RD	85 R2	102	2017	0	3214	2758	0	0	912,500	912,500
2020	023.A-0003-0007.0	7	TEEL ST	R2	102	2015	0	1905	1905	0	0	873,900	873,900
2020	023.A-0003-009.0	9	TEEL ST	R2	102	2015	0	1905	1905	0	0	873,900	873,900
2020	023.A-0005-0025.0	25	HENDERSON ST	R2	102	2015	0	2105	2105	0	1100	980,800	981,900
2020	023.A-0005-0027.0	27	HENDERSON ST	R2	102	2015	0	2105	2105	0	1100	980,800	981,900
2020	028.A-0003-0005.1	14	-16 WINTER ST	1 R2	102	2017	0	2293	2040	0	0	943,800	943,800
2020	028.A-0003-0005.2	14	-16 WINTER ST	2 R2	102	2017	0	2344	2091	0	0	961,300	961,300
2020	028.A-0004-0025.0	25	WINTER ST	R2	102	2015	0	2155	2155	0	0	973,400	973,400
2020	028.A-0004-0027.0	27	WINTER ST	R2	102	2015	0	2142	2142	0	0	970,000	970,000
2020	037.A-0002-0075.1	75	DECATUR ST	1 R2	102	2017	0	2105	2105	0	0	833,500	833,500
2020	037.A-0002-0075.2	75	DECATUR ST	2 R2	102	2017	0	1625	1625	0	0	666,700	666,700
2020	037.A-0002-0075.3	75	DECATUR ST	3 R2	102	2017	0	1625	1625	0	0	666,700	666,700
2020	040.A-0002-0009.0	9	-11 PARK ST	9 R2	102	2016	0	2076	2076	0	700	843,700	844,400
2020	040.A-0002-0011.0	9	-11 PARK ST	11 R2	102	2016	0	2054	2054	0	700	838,700	839,400
2020	042.A-0004-0019.0	19	-21 DAMON PK	19 R2	102	2017	0	2346	2346	0	0	942,700	942,700
2020	042.A-0004-0019.2	19	-21 DAMON PK	21 R2	102	2017	0	2346	2346	0	0	942,700	942,700
2020	042.A-0004-0021.0	21	FRANKLIN ST	21 R2	102	2015	0	2139	2139	0	0	850,900	850,900
2020	042.A-0004-0023.0	23	FRANKLIN ST	23 R2	102	2015	0	1800	1800	0	0	774,200	774,200
2020	043.A-0003-0070.0	70	BEACON ST	70 R2	102	2016	0	3230	3230	0	0	870,100	870,100
2020	043.A-0003-0072.0	72	BEACON ST	72 R2	102	2016	0	3230	3230	0	0	870,100	870,100
2020	043.A-0007-0025.0	25	-27 BEACON ST	25 R2	102	2017	0	2660	1954	0	0	817,500	817,500
2020	043.A-0007-0027.0	25	-27 BEACON ST	27 R2	102	2017	0	2660	1954	0	0	817,500	817,500
2020	043.A-0007-0043.0	43	BEACON ST	R2	102	2015	0	2214	2214	0	0	836,200	836,200
2020	043.A-0007-0045.0	45	BEACON ST	R2	102	2015	0	2214	2214	0	0	836,200	836,200
2020	043.A-0007-0047.0	47	-49 BEACON ST	47 R2	102	2017	0	2715	2008	0	0	883,700	883,700
2020	043.A-0007-0049.0	47	-49 BEACON ST	49 R2	102	2017	0	2691	1984	0	0	878,700	878,700
2020	043.A-0007-0064.0	64	PARK ST	R2	102	2015	0	1962	1962	0	0	980,200	980,200
2020	043.A-0007-0066.0	66	PARK ST	R2	102	2015	0	1640	1640	0	0	886,700	886,700
2020	047.A-0001-0018.0	18	WEBCOWET RD	18 R2	102	2015	0	2104	2104	0	600	863,200	863,800
2020	047.A-0001-0020.0	20	WEBCOWET RD	20 R2	102	2015	0	2130	2130	0	600	869,200	869,800
2020	047.A-0001-0040.0	40	-42 WEBCOWET RD	40 R2	102	2017	0	2223	2223	0	0	943,500	943,500
2020	047.A-0001-0042.0	40	-42 WEBCOWET RD	42 R2	102	2017	0	2250	2250	0	0	955,000	955,000
2020	047.A-0003-0140.0	140	-142 MEDFORD ST	140 R2	102	2018	0	3342	3342	0	0	1,055,700	1,055,700
2020	047.A-0003-0142.0	140	-142 MEDFORD ST	142 R2	102	2018	0	3342	3342	0	0	1,055,700	1,055,700
2020	048.A-0002-0015.0	15	MAYNARD ST	15 R2	102	2016	0	2890	2168	0	0	733,100	733,100
2020	048.A-0002-0017.0	17	MAYNARD ST	17 R2	102	2016	0	2890	2168	0	0	733,100	733,100
2020	060.A-0004-0014.0	14	NOURSE ST	14 R2	102	2015	0	2908	2908	0	0	816,500	816,500
2020	060.A-0004-0016.0	16	NOURSE ST	16 R2	102	2015	0	2908	2908	0	0	816,500	816,500



2020	060.A-0004-0018.0	18	-20 NOURSE ST	18 R2	102	2017	0	2550	2550	0	0	910,600	910,600
2020	060.A-0004-0020.0	18	-20 NOURSE ST	20 R2	102	2017	0	2550	2550	0	0	910,600	910,600
2020	064.A-0002-0041.0	41	-43 RANGELEY RD	41 R2	102	2018	0	2298	2298	0	0	853,600	853,600
2020	064.A-0002-0043.0	41	-43 RANGELEY RD	43 R2	102	2018	0	2269	2269	0	0	847,300	847,300
2020	066.A-0006-0033.0	33	CUTTER HILL RD	33 R2	102	2015	0	3818	3818	0	2000	977,700	979,700
2020	066.A-0006-0035.0	35	CUTTER HILL RD	35 R2	102	2015	0	3818	3818	0	2000	977,700	979,700
2020	080.A-0005-0036.0	36	-38 WASHINGTON ST	36 R2	102	2018	0	1418	1418	0	0	753,000	753,000
2020	080.A-0005-0038.0	36	-38 WASHINGTON ST	38 R2	102	2018	0	1418	1418	0	0	753,000	753,000
2020	080.A-0005-0050.0	50	-52 WASHINGTON ST	50 R2	102	2017	0	1202	1202	0	0	590,800	590,800
2020	080.A-0005-0052.0	50	-52 WASHINGTON ST	52 R2	102	2017	0	1428	1428	0	0	686,800	686,800
2020	085.A-0006-0009.0	9	CRESCENT HILL A	9 R2	102	2015	0	2299	2299	0	0	778,700	778,700
2020	085.A-0006-0011.0	11	CRESCENT HILL A	11 R2	102	2015	0	2299	2299	0	0	778,700	778,700
2020	110.A-0001-0658.0	658	-660 SUMMER ST	658 R2	102	2018	0	2924	2924	0	0	1,097,900	1,097,900
2020	110.A-0001-0660.0	658	-660 SUMMER ST	660 R2	102	2018	0	2952	2952	0	0	1,104,600	1,104,600
2020	110.A-0001-0662.0	662	-664 SUMMER ST	662 R2	102	2018	0	3055	3055	0	0	1,072,700	1,072,700
2020	110.A-0001-0664.0	662	-664 SUMMER ST	664 R2	102	2018	0	3119	3119	0	0	1,087,200	1,087,200
2020	126.A-0006-0010.0	10	FIELD RD	10 R2	102	2016	0	3001	3001	0	0	880,600	880,600
2020	126.A-0006-0012.0	12	FIELD RD	12 R2	102	2016	0	3030	3030	0	0	886,200	886,200
2020	148.A-0005-0006.0	6	HIGGINS ST	6 R2	102	2017	0	2487	1507	0	0	817,500	817,500
2020	148.A-0005-0008.0	8	HIGGINS ST	8 R2	102	2017	0	2353	1597	0	0	758,900	758,900
2020	173.A-0004-0084.0	84	-86 PAUL REVERE RD	84 R2	102	2017	0	1514	1514	0	0	706,600	706,600
2020	173.A-0004-0086.0	84	-86 PAUL REVERE RD	86 R2	102	2017	0	1486	1486	0	0	700,300	700,300

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**

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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

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Wynelle Evans  
781.859.9291 cell  
[evco7@rcn.com](mailto: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.