



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

### **Agenda & Meeting Notice November 7, 2018**

The Arlington Redevelopment Board will meet Wednesday, November 7, 2018 at 7:30 PM in the **Senior Center, Main Room, 1st Floor, 27 Maple Street, Arlington, MA 02476**

#### **1. Environmental Design Review Special Permit – Public Hearing**

7:30-8:00 PM

Board will review application by Richard Fraiman for BF Arlington Properties, LLC, at 925-927 Massachusetts Avenue, to re-open Special Permit Docket #2182 in accordance with the provisions of MGL Chapter 40A § 11, and the Town of Arlington Zoning Bylaw Section 3.4 Environmental Design Review. The applicant is proposing an addition to and renovation of the existing structure, and a parking reduction under Section 6.1.5.

- Applicant will be provided 10 minutes for an introductory presentation.
- DPCD staff will be provided 5 minutes for an overview of their Public Hearing Memorandum.
- Members of the public will be provided time to comment.
- Board members will discuss docket and vote.

#### **2. Continued Public Hearing - ZONING BYLAW AMENDMENT/ MEDICAL AND RECREATIONAL MARIJUANA ESTABLISHMENTS**

8:00-9:00 PM

To see if the Town will vote to amend the Zoning Bylaw to address Medical and Recreational Marijuana Establishments by: amending existing SECTION 2 DEFINITIONS "Medical Marijuana Treatment Center" and "Recreational Marijuana Establishments"; amending SECTION 3.4 ENVIRONMENTAL DESIGN REVIEW to include Recreational Marijuana Establishments as required to obtain an Environmental Design Review Special Permit; amending SECTION 5 DISTRICT REGULATIONS to create new use categories for Marijuana Establishments and amend existing use categories for Medical Marijuana Treatment Centers and to allow Recreational Marijuana Establishments and Medical Marijuana Treatment Centers in Business and Industrial zones; amending SECTION 8 SPECIAL REGULATIONS to remove the Temporary Moratorium on Recreational Marijuana Establishments and create a new section on marijuana uses; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

- A brief introductory presentation will be provided

- Board members and members of the public will be provided time to ask questions and comment
- Board members may ask additional questions and/ or vote.

**3. Sign Bylaw Amendments – Update on Sign Bylaw stakeholder interviews and forum**

9:00-9:15 p.m.     • Staff will provide an update on the bylaw update process

**4. 2019 Meeting Schedule**

9:15-9:20 p.m.     • Board members will review and approve 2019 Meeting Schedule

**5. Meeting Minutes**

9:20-9:30 p.m.     • Board members will review and approve meeting minutes

**6. Adjourn**

9:30 p.m.             Adjourn



## Town of Arlington, Massachusetts

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### Environmental Design Review Special Permit – Public Hearing

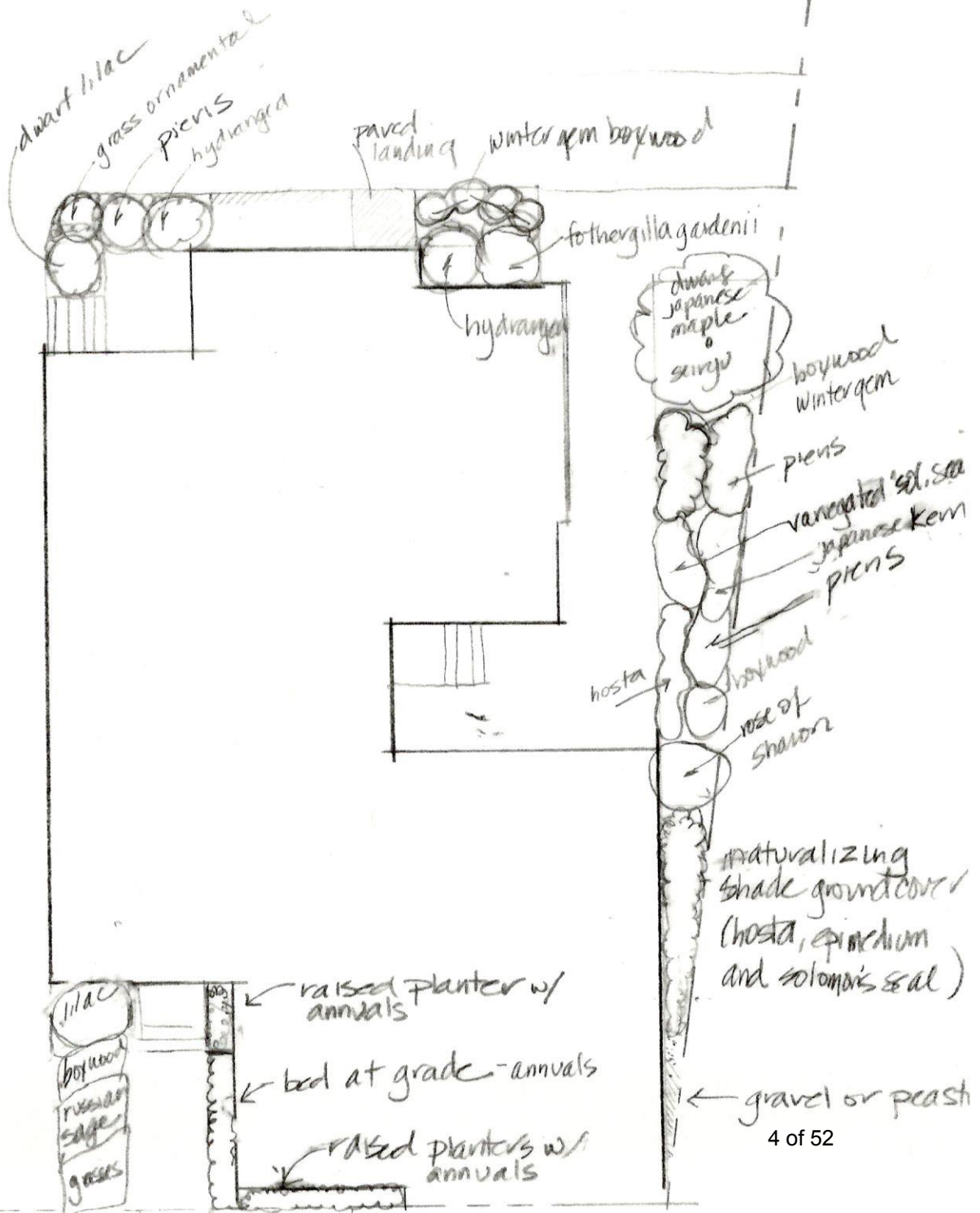
#### Summary:

7:30-8:00 PM Board will review application by Richard Fraiman for BF Arlington Properties, LLC, at 925-927 Massachusetts Avenue, to re-open Special Permit Docket #2182 in accordance with the provisions of MGL Chapter 40A § 11, and the Town of Arlington Zoning Bylaw Section 3.4 Environmental Design Review. The applicant is proposing an addition to and renovation of the existing structure, and a parking reduction under Section 6.1.5.

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- Board members will discuss docket and vote.

#### ATTACHMENTS:

Type	File Name	Description
Reference Material	925_-_927_Mass._Ave._landscape_plan_2018_09_05.pdf	925-927 Mass. Ave. Landscape Plan
Reference Material	925_Mass_Ave_Arlington_2018_09_05.pdf	925 Mass. Ave. Arlington
Reference Material	925-927_Mass._Ave._Required_Submittals_Checklist.pdf	925-927 Mass. Ave. Required Submittals Checklist
Reference Material	Application_for_Special_Permit_in_Accordance_with_EDR_2018_09_07.pdf	Application for Special Permit in Accordance with EDR 2018 09 07
Reference Material	ARB_letter_2018_09_10.doc	ARB Letter 2018 09 10
Reference Material	EDR_Public_Hearing_Memo_925-927_Mass_Ave.doc	EDR Public Hearing Memo 925-927 Mass. Ave.
Reference Material	LEED_v4_for_Homes_Design_and_Construction_Checklist_1_PAGE.pdf	LEED v4 for Homes Design and Construction Checklist







PCA

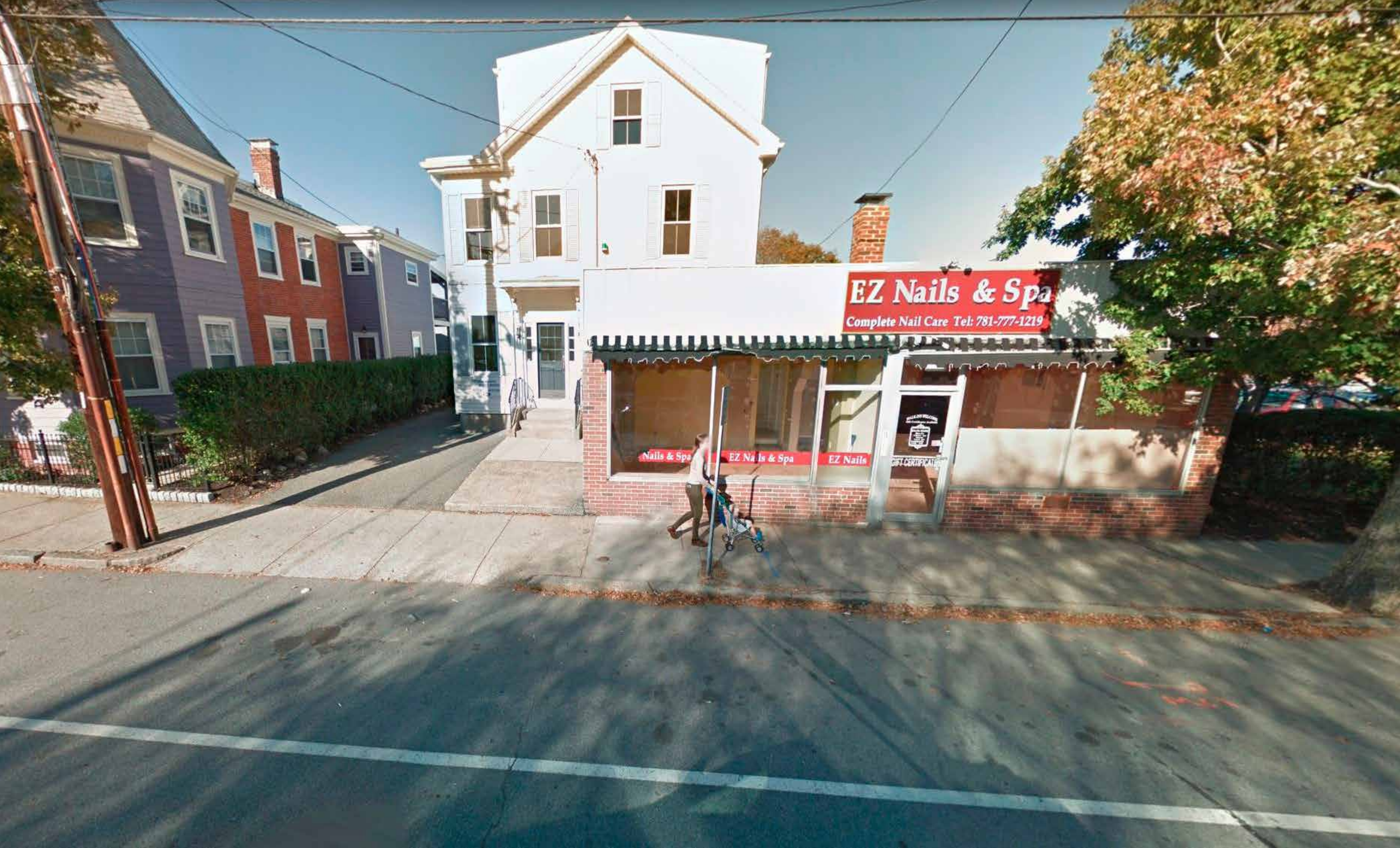
FRAIMAN

925 MASSACHUSETTS AVENUE

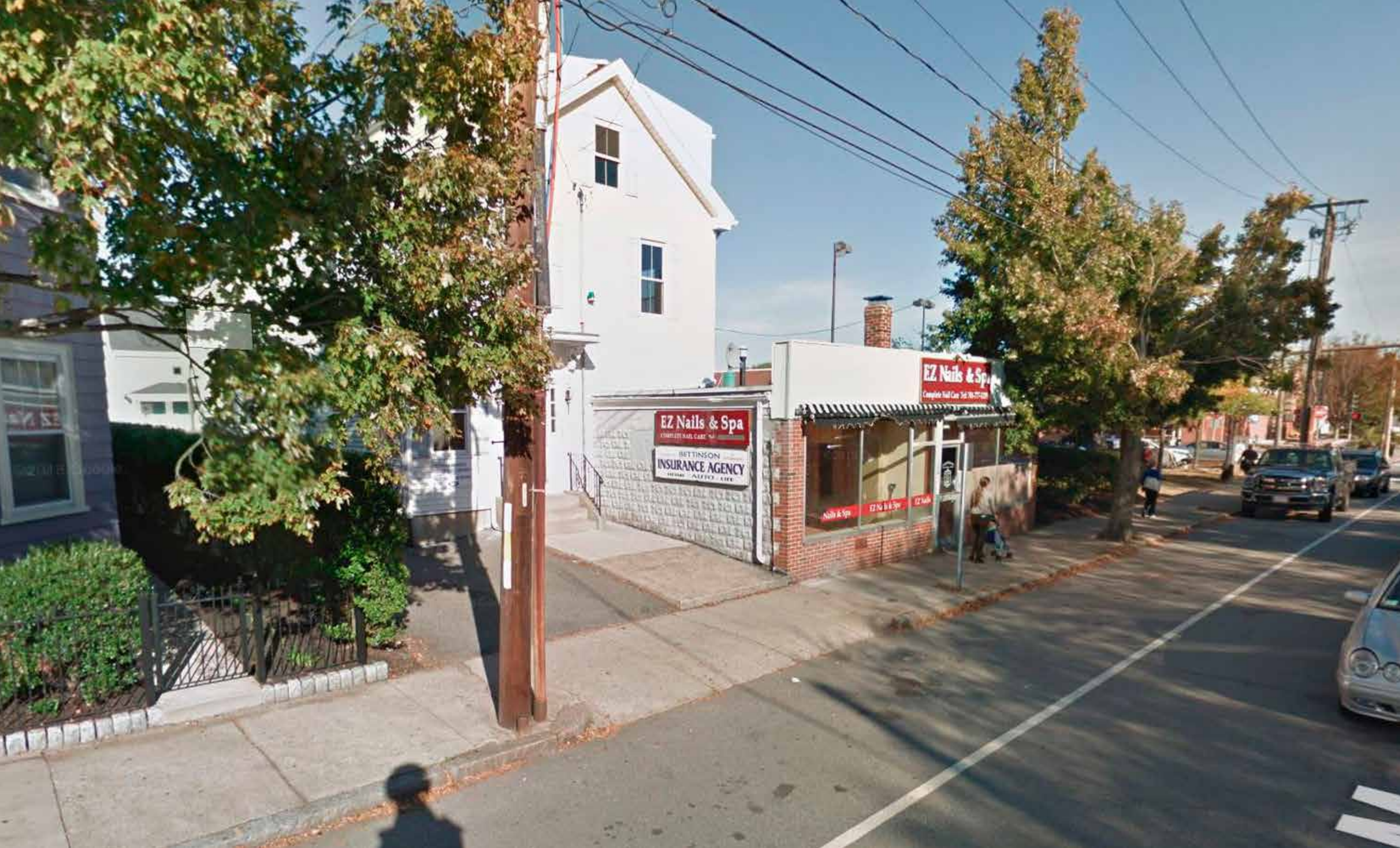
ADDITION / RENOVATION

08.17.18



















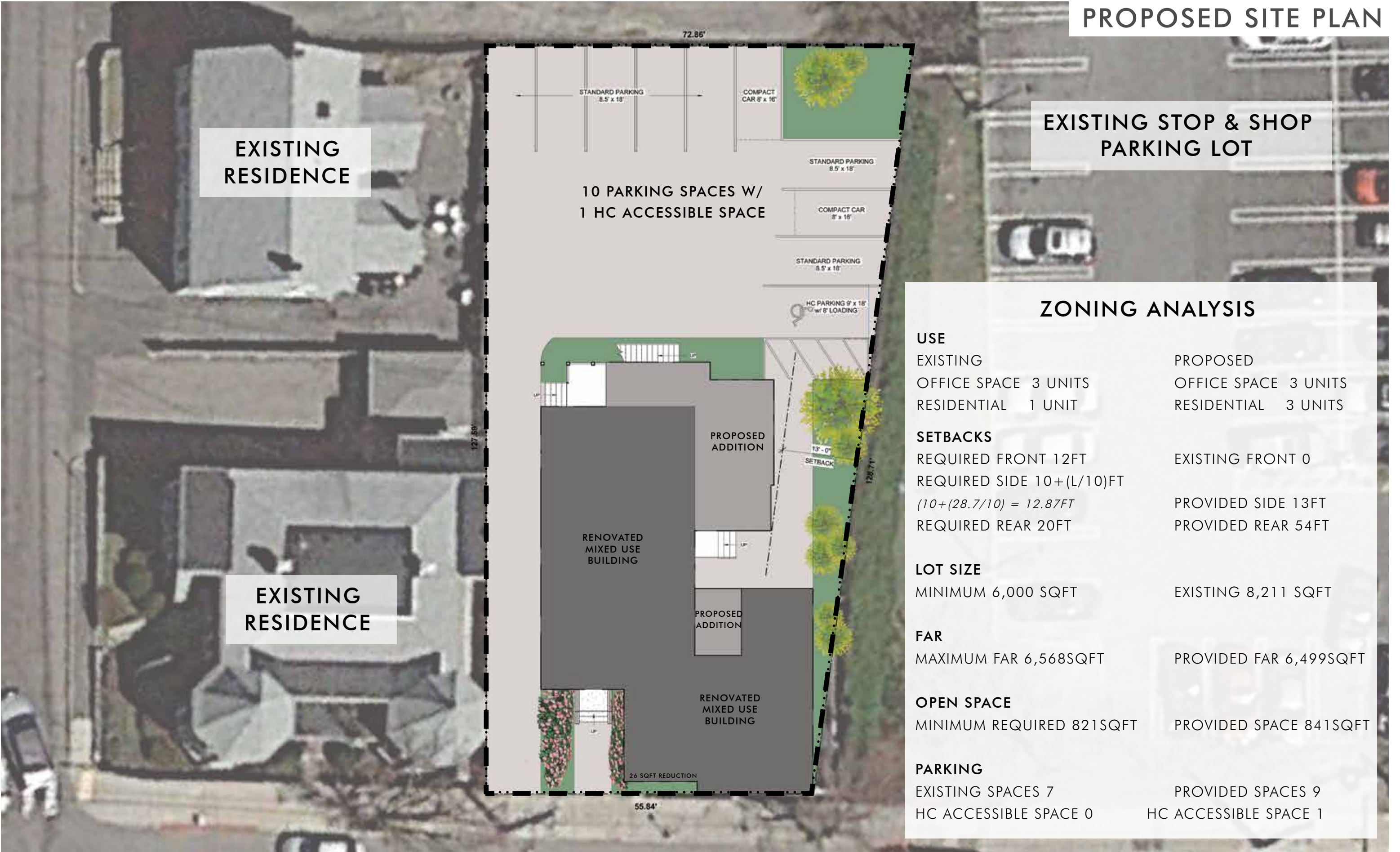








PROPOSED SITE PLAN



EXISTING STOP & SHOP PARKING LOT

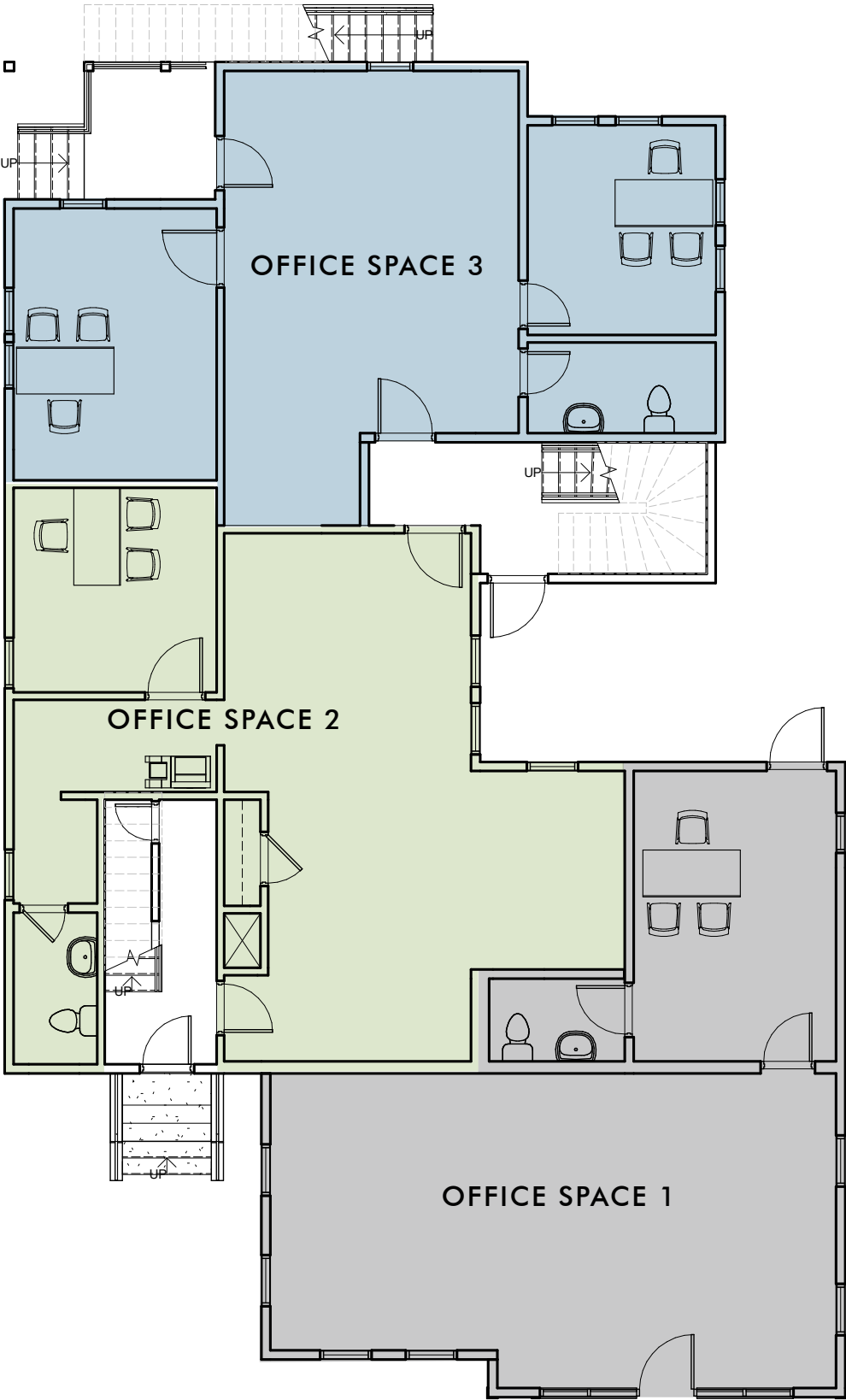
EXISTING RESIDENCE

EXISTING RESIDENCE

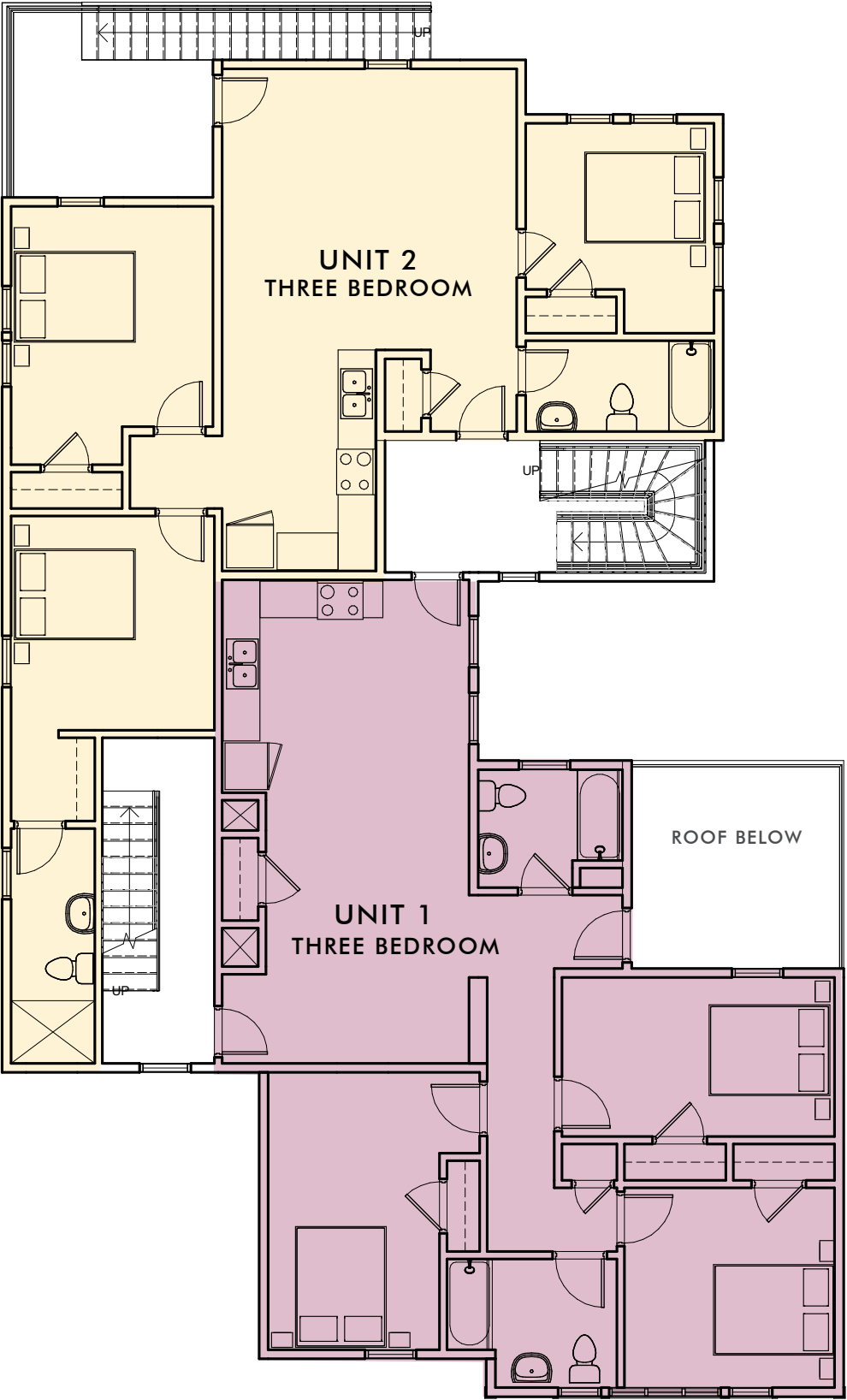
ZONING ANALYSIS

USE	
EXISTING	PROPOSED
OFFICE SPACE 3 UNITS	OFFICE SPACE 3 UNITS
RESIDENTIAL 1 UNIT	RESIDENTIAL 3 UNITS
SETBACKS	
REQUIRED FRONT 12FT	EXISTING FRONT 0
REQUIRED SIDE 10+(L/10)FT (10+(28.7/10) = 12.87FT	PROVIDED SIDE 13FT
REQUIRED REAR 20FT	PROVIDED REAR 54FT
LOT SIZE	
MINIMUM 6,000 SQFT	EXISTING 8,211 SQFT
FAR	
MAXIMUM FAR 6,568SQFT	PROVIDED FAR 6,499SQFT
OPEN SPACE	
MINIMUM REQUIRED 821SQFT	PROVIDED SPACE 841SQFT
PARKING	
EXISTING SPACES 7	PROVIDED SPACES 9
HC ACCESSIBLE SPACE 0	HC ACCESSIBLE SPACE 1

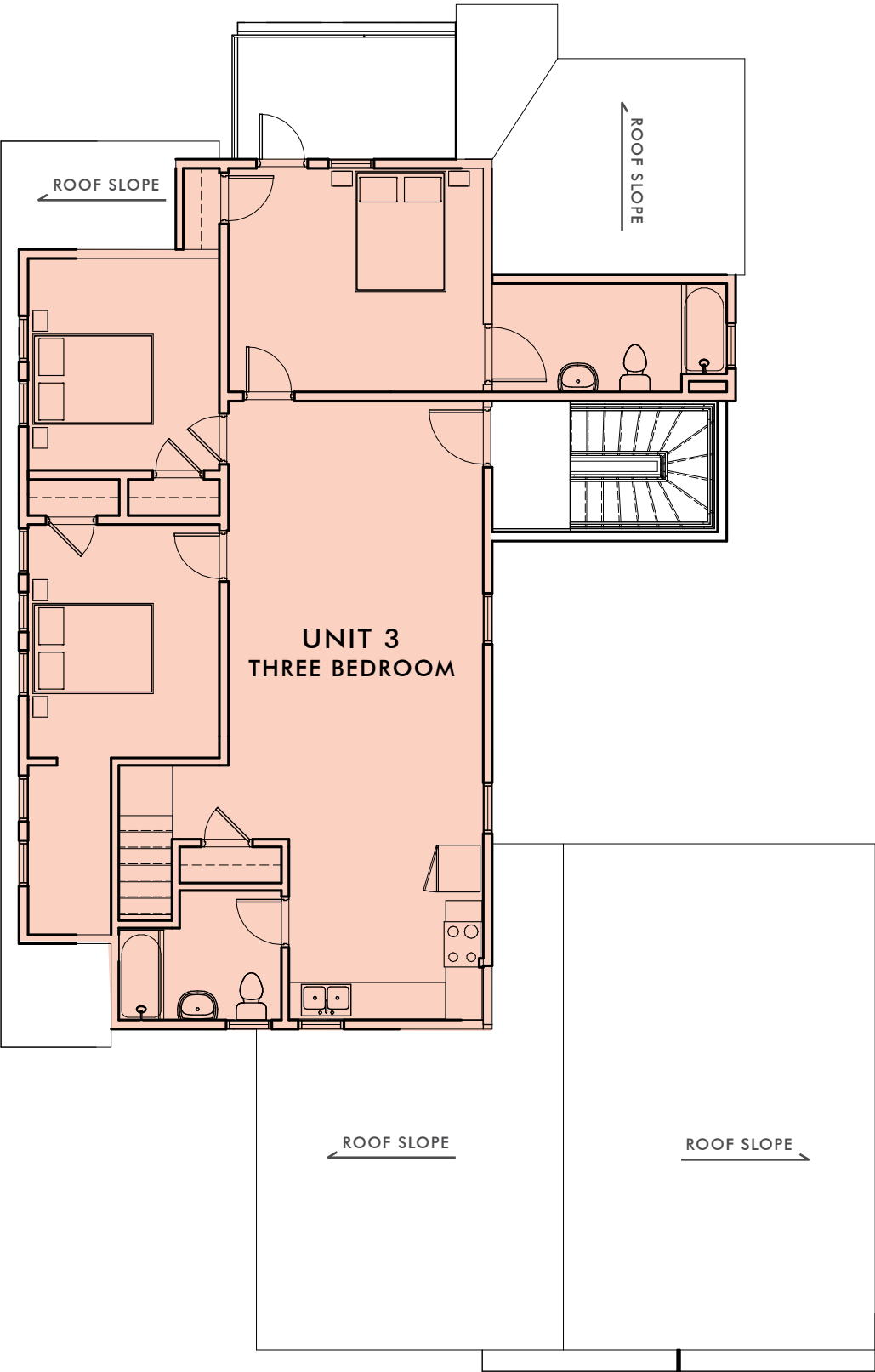




PROPOSED FIRST FLOOR

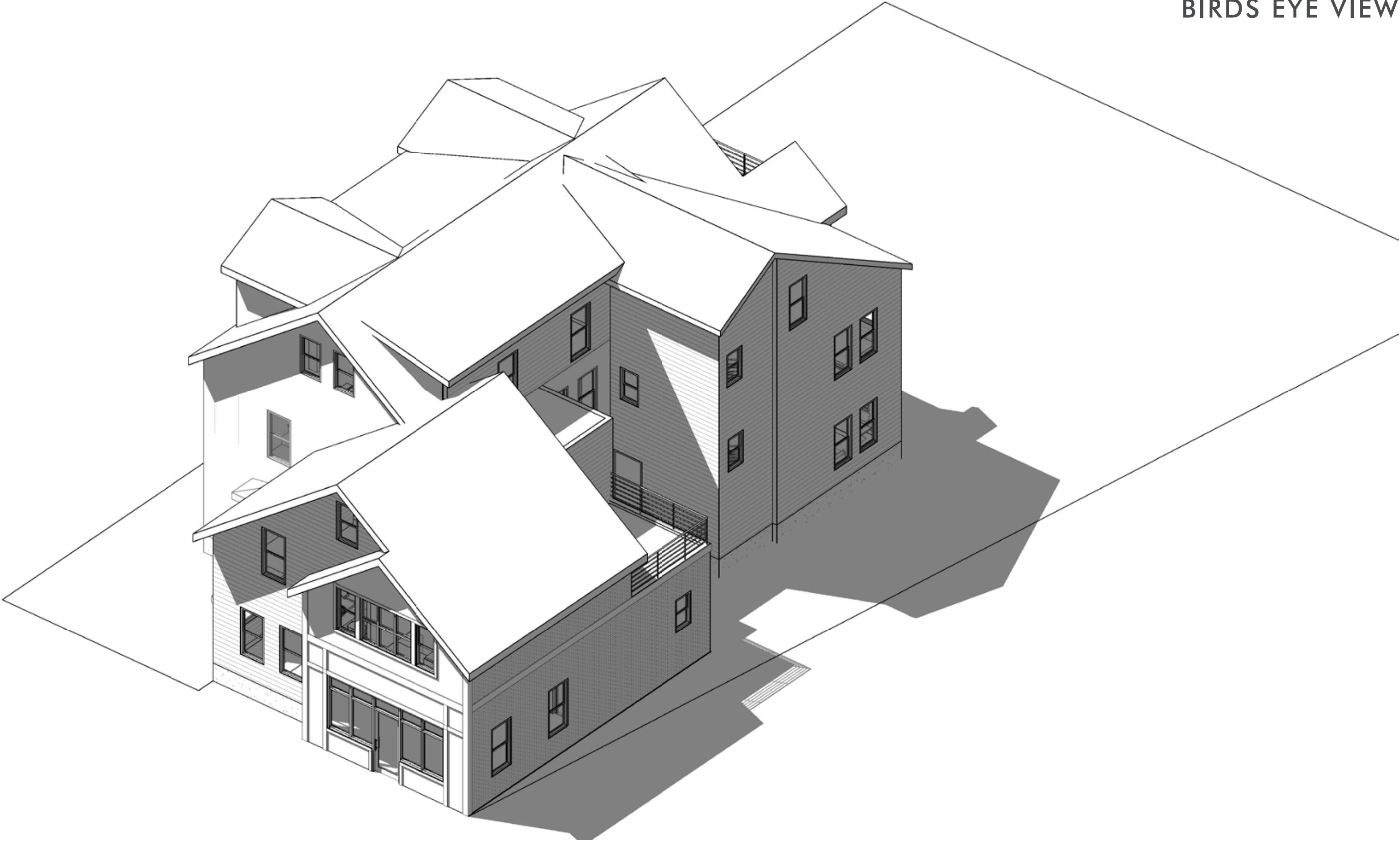


PROPOSED SECOND FLOOR

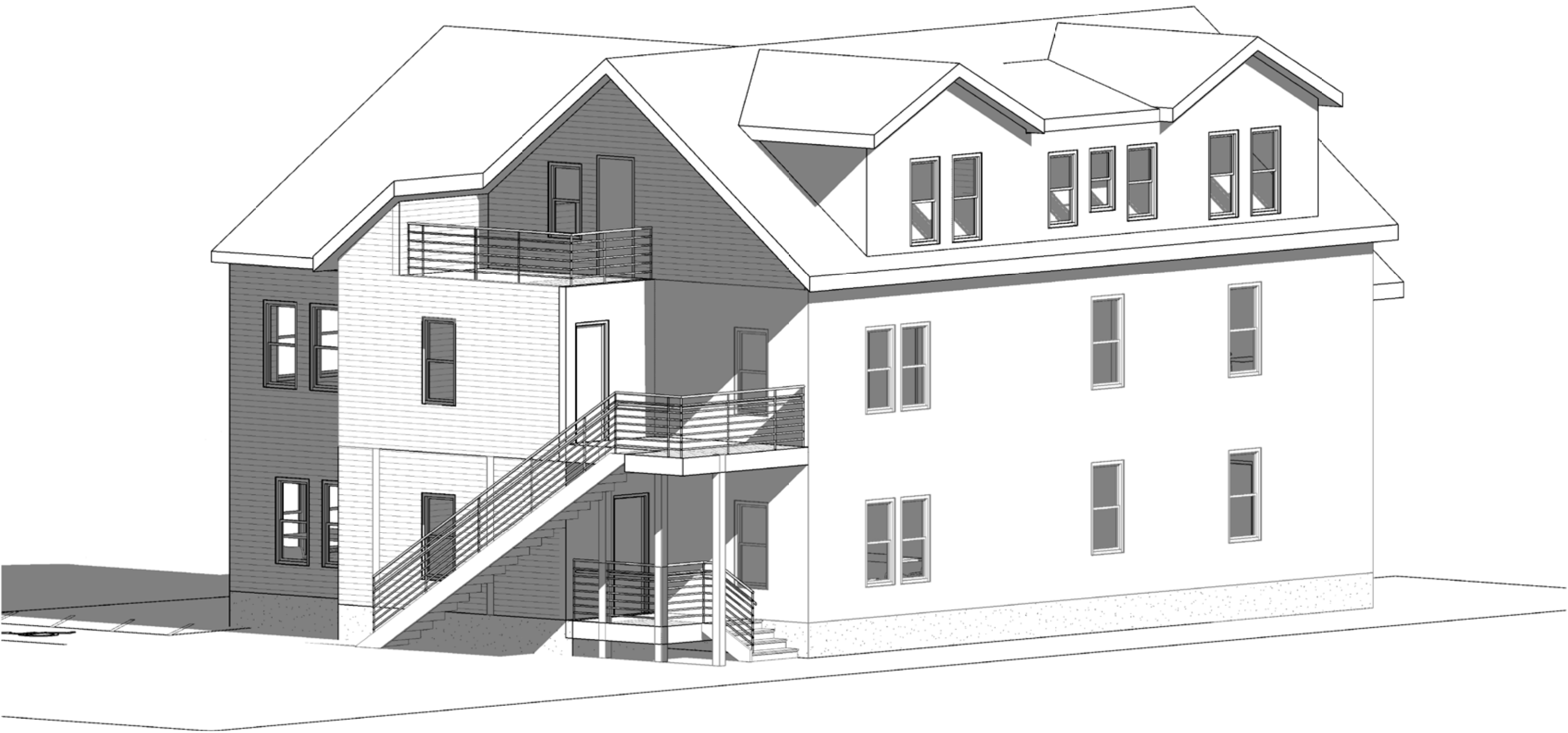


PROPOSED THIRD FLOOR











# FRONT ELEVATION







Town of Arlington Redevelopment Board  
Application for Special Permit in accordance with  
Environmental Design Review (Section 3.4)

Required Submittals Checklist

Two full sets of materials and one electronic copy are required. A model may be requested.  
Review the ARB's Rules and Regulations, which can be found at [arlingtonma.gov/arb](http://arlingtonma.gov/arb), for the full  
list of required submittals.

☒ Dimensional and Parking Information Form (see attached)

☒ Site plan of proposal

☒ Model, if required

☒ Drawing of existing conditions

☒ Drawing of proposed structure

☒ Proposed landscaping. May be incorporated into site plan

☒ Photographs

☒ Impact statement

☒ Application and plans for sign permits

**ENGINEERING**  
**DEPT** Stormwater management plan (for stormwater management during construction for projects  
with new construction)

FOR OFFICE USE ONLY

\_\_\_\_\_ Special Permit Granted

Date: \_\_\_\_\_

\_\_\_\_\_ Received evidence of filing with Registry of Deeds

Date: \_\_\_\_\_

☒ Notified Building Inspector of Special Permit filing

Date: 9/10/18





TOWN OF ARLINGTON  
REDEVELOPMENT BOARD

PLANNING & COMMUNITY  
DEVELOPMENT

2010 SEP 10 P 4:00

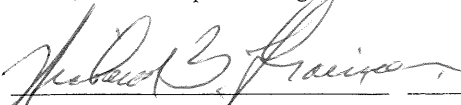
Application for Special Permit In Accordance with Environmental Design  
Review Procedures (Section 11.06 of the Zoning Bylaw)

1. Property Address 925-927 Massachusetts Ave., Arlington, MA 02476 Docket No. \_\_\_\_\_  
 Name of Record Owner(s) BF Arlington Properties, LLC Phone 781-646-4911  
 Address of Owner 220 Massachusetts Ave., Arlington, MA 0474  
Street City, State, Zip
2. Name of Applicant(s) (if different than above) \_\_\_\_\_  
 Address \_\_\_\_\_ Phone \_\_\_\_\_  
 Status Relative to Property (occupant, purchaser, etc.) \_\_\_\_\_
3. Location of Property 054.0 Map, 0003 Block, 0009.A Lot  
Assessor's Block Plan, Block, Lot No.
4. Deed recorded in the Registry of deeds, Book 71416, Page 338;  
 -or- registered in Land Registration Office, Cert. No. \_\_\_\_\_, in Book \_\_\_\_\_, Page \_\_\_\_\_.
5. Present Use of Property (include # of dwelling units, if any) 3 dwelling units and 3 commercial/office units
6. Proposed Use of Property (include # of dwelling units, if any) 3 residential units and 3 commercial/office units
7. Permit applied for in accordance with the following Zoning Bylaw section(s)
 

<u>3.4</u>	<u>Environmental Design Review</u>
<u>6.15</u>	<u>Parking Reduction</u>
_____	_____
_____	_____

section(s) title(s)
8. Please attach a statement that describes your project and provide any additional information that may aid the ARB in understanding the permits you request. Include any reasons that you feel you should be granted the requested permission.  
 (See Exhibit A)

(In the statement below, strike out the words that do not apply)  
 The applicant states that BF Arlington Properties, LLC is the owner ~~or co-owner or co-developer~~ under agreement of the property in Arlington located at 925-927 Massachusetts Ave., Arlington, MA which is the subject of this application; and that unfavorable action -or- no unfavorable action has been taken by the Zoning Board of Appeals on a similar application regarding this property within the last two years. The applicant expressly agrees to comply with any and all conditions and qualifications imposed upon this permission, either by the Zoning Bylaw or by the Redevelopment Board, should the permit be granted.

  
 Signature of Applicant(s) Richard B. Fraiman, Manager

220 Mass. Ave., Arlington, MA 02474

Address

781-646-4911

Phone

7/08



### Exhibit A

The Petitioner, within the last month, has acquired title to the 923-927 Massachusetts Ave real estate and at the outset it is the intent of Richard Fraiman, the Principal and Manager of BF Arlington Properties, LLC to improve the physical characteristics of the property in a manner compatible with the “Master Plan” for the Town by renovating the existing building and adding small additions to the rear of the existing building. There will be three residential units in the remodeled building and there will be three commercial/office units in the remodeled building.

The new design will eliminate the choppy visual effects of the existing building utilizing the new space effectively with respect to the three residential units and the three commercial/office unit outcome.

The property is located in an R5 Zone and is legally nonconforming for its use based upon numerous discussions with the Building Commission for the Town with respect to the history of the property.



TOWN OF ARLINGTON  
Dimensional and Parking Information  
for Application to  
The Arlington Redevelopment Board

Docket No. \_\_\_\_\_

Property Location 925-927 MASSACHUSETTS AVENUE

Zoning District R5

Owner: BF ARLINGTON PROPERTIES LLC

Address: 220 MASSACHUSETTS AVE.

Present Use/Occupancy: No. of Dwelling Units:

**3 BUSINESS SPACE | 1 RESIDENTIAL UNIT**

Uses and their gross square feet:

**3,363.5 SQFT | 730 SQFT 4,093.5 SQFT**

Proposed Use/Occupancy: No. of Dwelling Units:

**3 BUSINESS SPACE | 3 RESIDENTIAL UNIT**

Uses and their gross square feet:

**2,626 SQFT | 3,882 SQFT 6,508 SQFT**

	Present Conditions	Proposed Conditions	Min. or Max. Required by Zoning for Proposed Use
Lot Size	8,211 SQFT	8,211 SQFT	min. 6,000 SQFT
Frontage	55.8 FT	55.8 FT*	min. 60 FT
Floor Area Ratio	50%	79%	max. 80%
Lot Coverage (%), where applicable			max. N/A
Lot Area per Dwelling Unit (square feet)			min. N/A
Front Yard Depth (feet)	0 FT	0 FT*	min. 12 FT
Side Yard Width (feet) right side	0 FT	13 FT**	min. 10 FT
left side	9'-4" FT	9'-4" FT*	min. 10 FT
Rear Yard Depth (feet)	61'-6" FT	54'-0" FT	min. 20 FT
Height			min.
Stories	3 stories	3 stories	stories 3 stories
Feet	30'-6" FT	33'-6" FT	feet 35 FT
Open Space (% of G.F.A.)			10% OF 6,508 (GFA) min. 30% OF 6,508 (GFA)
Landscaped (square feet)	0 SQFT	841 SQFT	(s.f.) 651 SQFT
Usable (square feet)	0 SQFT	OPEN DECK 250 SQFT	(s.f.) 1,952 SQFT
Parking Spaces (No.)	7 spaces	9 spaces	1 PER RES. UNIT (3) min. 1 PER 500 SQFT (5.2)
Parking Area Setbacks (feet), where applicable	0 FT	0 FT*	min. 10 FT
Loading Spaces (No.)	0 space	1 space	min. 1 space
Type of Construction	VB		
Distance to Nearest Building	10 FT		min.

\* EXISTING NON-CONFORMING CONDITION

\*\* NEW ADDITION TO CONFORM TO SETBACK REQUIREMENTS

dated June 26, 2018  
20 of 32



# OPEN SPACE/GROSS FLOOR AREA

Refer to Zoning Bylaw Article 2, Definitions and Article 6, Dimensional Regulations

Address 925-927 Massachusetts Ave. Zoning District R5

<u>OPEN SPACE</u>	<u>EXISTING</u>	<u>PROPOSED</u>
Total lot area	<u>8,211 SQFT</u>	<u>8,211 SQFT</u>
Open Space (Usable)*	<u>0 SQFT</u>	<u>0 SQFT</u>
Open Space (Landscaped)	<u>0 SQFT</u>	<u>841 SQFT</u>

\*Usable Open Space must be at least 75% open to the sky, free of automotive, traffic and parking, and readily accessible. Open space shall be deemed usable only if : 1) at least 75% of the area has a grade of less than 8% and no horizontal dimension less than 25 feet.

## GROSS FLOOR AREA (GFA)

Accessory building	<u>N/A</u>	<u>N/A</u>
Basement or cellar (>5' excluding mechanical area)	<u>N/A</u>	<u>N/A</u>
1 <sup>st</sup> Floor	<u>2,095 SQFT</u>	<u>2,626 SQFT</u>
2 <sup>nd</sup> Floor	<u>1,265 SQFT</u>	<u>2,489 SQFT</u>
3 <sup>rd</sup> Floor	<u>730 SQFT</u>	<u>1,393 SQFT</u>
4 <sup>th</sup> Floor	<u>N/A</u>	<u>N/A</u>
5 <sup>th</sup> Floor	<u>N/A</u>	<u>N/A</u>
Attic (>7'3" in height, excluding elevator, mechanical)	<u>N/A</u>	<u>N/A</u>
Parking garages (except as used for accessory Parking garages or off street loading purposes)	<u></u>	<u></u>
All weather habitable porches and balconies	<u></u>	<u></u>
Total Gross Floor Area (GFA)	<u>4,090 SQFT</u>	<u>6,508 SQFT</u>

## REQUIRED MINIMUM OPEN SPACE AREA

Proposed Usable Open Space Percent of GFA	<u>0%</u>
Proposed Landscaped Open Space Percent of GFA	<u>13%</u>

This worksheet applies to plans dated 08.17.2018 designed by

PRELLWITZ CHILINSKI ASSOCIATES

Reviewed by Inspectional Services  Date:



TOWN OF ARLINGTON  
REDEVELOPMENT BOARD

Petition for Special Permit under Environmental Design Review (see Section 11.06 of the Arlington Zoning Bylaw for Applicability)

For projects subject to Environmental Design Review, (see section 1106(b)), please submit a statement that completely describes your proposal, and addresses each of the following standards.

1. **Preservation of Landscape.** The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.

**Preservation of Landscape: The site is 99% bituminous pavement. The new design creates planting areas against the existing structure and carves green space in the rear corner of the property. See the enclosed landscape plan.**

2. **Relation of Buildings to Environment.** Proposed development shall be related harmoniously to the terrain and to the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed buildings. The Arlington Redevelopment Board may require a modification in massing so as to reduce the effect of shadows on abutting property in an RU, R1 or R2 district or on public open space.

**Relationship of buildings to environment: The renovations are designed to improve the residential character of the building. The one story flat roofed office section is redesigned with dormers, pitched roofs, and appropriate windows.**

3. **Open Space.** All open space (landscaped and usable) shall be so designed as to add to the visual amenities of the vicinity by maximizing its visibility for persons passing the site or overlooking it from nearby properties. The location and configuration of usable open space shall be so designed as to encourage social interaction, maximize its utility, and facilitate maintenance.

**Open space: Open space has increased from zero for landscaped and zero for useable to 841 square feet for landscaped and 250 square feet for useable. See site plan and landscape plan.**

4. **Circulation.** With respect to vehicular, pedestrian and bicycle circulation, including entrances, ramps, walkways, drives, and parking, special attention shall be given to location and number of access points to the public streets (especially in relation to existing traffic controls and mass transit facilities), width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, access to community facilities, and arrangement of vehicle parking and bicycle parking areas, including bicycle parking spaces required by Section 8.13 that are safe and convenient and, insofar as practicable, do not detract from the use and enjoyment of proposed buildings and structures and the neighboring properties.

**Circulation: Existing vehicular circulation remains unchanged. There are presently seven (7) parking spaces at the site and the Petitioner's plans propose nine (9) parking spaces at**



**the site (one parking space per residential unit for each of the three (3) residential units and one (1) parking space per 500 square feet of each of the commercial/office units.**

**5. Surface Water Drainage.** Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Available Best Management Practices for the site should be employed, and include site planning to minimize impervious surface and reduce clearing and re-grading. Best Management Practices may include erosion control and storm water treatment by means of swales, filters, plantings, roof gardens, native vegetation, and leaching catch basins. Storm water should be treated at least minimally on the development site; that which cannot be handled on site shall be removed from all roofs, canopies, paved and pooling areas and carried away in an underground drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic, and will not create puddles in the paved areas.

In accordance with Section 10.11, b, the Board may require from any applicant, after consultation with the Director of Public Works, security satisfactory to the Board to insure the maintenance of all storm water facilities such as catch basins, leaching catch basins, detention basins, swales, etc. within the site. The Board may use funds provided by such security to conduct maintenance that the applicant fails to do. The Board may adjust in its sole discretion the amount and type of financial security such that it is satisfied that the amount is sufficient to provide for the future maintenance needs.

**Surface water drainage: The rainwater from the rear downspouts and the parking area runoff will be captured by two new drywells placed under the parking surface. The front downspouts will be connected to the street storm system where possible.**

**6. Utility Service.** Electric, telephone, cable TV and other such lines and equipment shall be underground. The proposed method of sanitary sewage disposal and solid waste disposal from all buildings shall be indicated.

**Utility service: Remains unchanged.**

**7. Advertising Features.** The size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall not detract from the use and enjoyment of proposed buildings and structures and the surrounding properties.

**Advertising features: Signage to be in compliance with Section 6.2 for signage in an R5 neighborhood.**

**8. Special Features.** Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.



**Special features: storage, loading, and service areas will be to the rear of the site as exists today. Lot is fully enclosed with an opaque fence.**

9. **Safety.** With respect to personal safety, all open and enclosed spaces shall be designed to facilitate building evacuation and maximize accessibility by fire, police, and other emergency personnel and equipment. Insofar as practicable, all exterior spaces and interior public and semi-public spaces shall be so designed as to minimize the fear and probability of personal harm or injury by increasing the potential surveillance by neighboring residents and passersby of any accident or attempted criminal act.

**Safety: Adequate outdoor lighting to be provided. Additional exit stair added. Porches and decks are open with code compliant railings**

10. **Heritage.** With respect to Arlington's heritage, removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.

**Heritage: not affected by this renovation. See relationship of building to environment.**

11. **Microclimate.** With respect to the localized climatic characteristics of a given area, any development which proposes new structures, new hard-surface ground coverage, or the installation of machinery which emits heat, vapor, or fumes, shall endeavor to minimize, insofar as practicable, any adverse impact on light, air, and water resources, or on noise and temperature levels of the immediate environment.

**Microclimate: we are adding new green spaces, outdoor decks, and additional windows.**

12. **Sustainable Building and Site Design.** Projects are encouraged to incorporate best practices related to sustainable sites, water efficiency, energy and atmosphere, materials and resources, and indoor environmental quality.

Applicants must submit a current Green Building Council Leadership in Energy and Environmental Design (LEED) checklist, appropriate to the type of development, annotated with narrative description that indicates how the LEED performance objectives will be incorporated into the project.

[LEED checklists can be found at <http://www.usgbc.org/DisplayPage.aspx?CMSPageID=220b>]

**Sustainable: We design toward the requirements for LEED for Homes, including material durability, efficient water usage, improved thermal requirements, and low emitting materials. A LEED for Homes checklist will be submitted.**



In addition, projects subject to Environmental Design Review must address and meet the following Special Pen-nit Criteria:

1. The use requested is listed in the Table of Use Regulations as a special permit in the district for which application is made or is so designated elsewhere in this Bylaw.

**The use requested is listed in the Table of Use Regulations as a special permit in the district for which application is made or is so designated elsewhere in this Bylaw.**

2. The requested use is essential or desirable to the public convenience or welfare.

**Petitioner's plans are a decided improvement to the half-hazard physical characteristics of the building/buildings at the site and will continue offer three (3) residential units for lease or rent in an era when residential units are in short supply for individuals either wanting to remain living in the Town or to move to the Town.**

3. The requested use will not create undue traffic congestion, or unduly impair pedestrian safety.

**The traffic circulation will not change from the existing traffic circulation and there should be significant increase to traffic to and from the property and the project has been designed to enhance rather than impair pedestrian safety.**

4. The requested use will not overload any public water, drainage or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety or the general welfare.

**The use of the property will remain unchanged, therefore there will be no overload of any public water drainage or sewer or any other systems in the Town.**

5. Any special regulations for the use, set forth in Article 11, are fulfilled.

**Any special regulations for the use, set forth in Article 11, are fulfilled.**

6. The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health, morals, or welfare.

**As indicated in response to Request No. 2, the redesign of the property will enhance the integrity and character of the district or adjoining districts and will not be detrimental to the health, morals or welfare of inhabitants of the Town**

7. The requested use will not, by its addition to a neighborhood, cause an excess of that particular use that could be detrimental to the character of said neighborhood.



**The requested use will once again remain unchanged, therefore there will not be an excess of each of the uses which could be detrimental to the character of the neighborhood in which the property is located.**

BY HAND

September 10, 2018

Jennifer Raitt, Director  
Town of Arlington  
Arlington Redevelopment Board  
730 Massachusetts Avenue  
Arlington, Massachusetts 02476

RE: 925-927 Massachusetts Avenue, Arlington, Massachusetts

Dear Ms. Raitt:

I am sending along three (3) copies of plans with respect to Request for Special Permits relating to the above referenced real estate along with three (3) copies of the Special Permit Petition under Environmental Design Review.

The plans and application were emailed to you in digital form on September 7, 2018.

I am also including check in the amount of \$500.00 made payable to the Town of Arlington with respect to the filing fee.

Would you please file the enclosed documents and plans at this time.

Thank you for your cooperation in this matter.

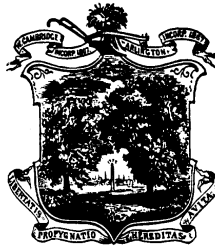
Very truly yours,

Robert J. Annese

RJA:lm

Enclosures





**Town of Arlington, Massachusetts**  
Department of Planning & Community Development  
730 Massachusetts Avenue, Arlington, Massachusetts 02476

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**Public Hearing Memorandum**

*The purpose of this memorandum is to provide the Arlington Redevelopment Board and public with technical information and a planning analysis to assist with the regulatory decision-making process.*

**To:** Arlington Redevelopment Board

**From:** Jennifer Raitt, Secretary Ex Officio

**Subject:** Environmental Design Review, 925-927 Massachusetts Ave, Arlington, MA  
Re-open Docket #2182

**Date:** October 10, 2018

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I. Docket Summary

This is an application by Richard Fraiman of BF Arlington Properties, LLC to construct an addition to and renovation of the existing structure at 925-927 Massachusetts Avenue. The applicant also requests a parking reduction. The re-opening of the Special Permit is to allow the Board to review and approve the proposed construction and renovation, under Section 3.4, Environmental Design Review, because of its location on Massachusetts Avenue and the parking reduction, under Section 6.1.5, Parking Reduction in Business, Industrial and Multi-Family Residential Zones.

Materials submitted for consideration of this application:  
Application for EDR Special Permit, Narrative, Site Plan, Floor Plans, Elevations, and Landscape Plan details dated August 17, 2018.

II. Application of Special Permit Criteria (Arlington Zoning Bylaw, Section 3.3)

1. Section 3.3.3.A.

The use requested is listed as a Special Permit in the use regulations for the applicable district or is so designated elsewhere in this Bylaw.

The mixed use structure (residential and office space) has been found to be a legal nonconforming use in the R-5, apartment district/low density zone, by the Building Inspector. The Board can find that this condition is met.

**2. Section 3.3.3.B.**

**The requested use is essential or desirable to the public convenience or welfare.**

The Master Plan promotes mixed-use as a means to revitalize business districts, by bringing customers and street life to commercial areas. This project will provide updated and attractive office space as well as family-sized rental units. The Board can find that this condition is met.

**3. Section 3.3.3.C.**

**The requested use will not create undue traffic congestion or unduly impair pedestrian safety.**

The proposed project includes creating a formal parking lot at the rear of the property, although the existing circulation will not change. The proposal includes stripping nine parking spaces and 1 accessible parking space, and improvement of the current haphazard parking conditions at the rear of the property. The Board can find that this condition is met.

**4. Section 3.3.3.D.**

**The requested use will not overload any public water, drainage or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety, or the general welfare.**

The existing structure has operated in this location for many years without overloading any public utilities. The Board can find that this condition is met.

**5. Section 3.3.3.E.**

**Any special regulations for the use as may be provided in the Bylaw are fulfilled.**

All such regulations are fulfilled.

**6. Section 3.3.3.F.**

**The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health or welfare.**

The use does not impair the integrity or character of the neighborhood. The proposed renovations will unify the existing storefront with the residential structure behind in an attractive building that will improve the streetscape. The Board can find that this condition is met.



**7. Section 3.3.3.G.**

**The requested use will not, by its addition to a neighborhood, cause an excess of the use that could be detrimental to the character of said neighborhood.**

The use will not be in excess or detrimental to the character of the neighborhood. The Board can find that this condition is met.

**III. Environmental Design Review Standards (Arlington Zoning Bylaw, Section 3.4)**

**1. EDR-1 Preservation of Landscape**

**The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.**

The property is almost entirely impervious and has no natural landscape to preserve. As part of the project, landscaping beds will be added to the rear of the property, along the southern property line, and along the sidewalk. The new landscaping will improve the condition of the property. The Board can find that this condition is met.

**2. EDR-2 Relation of the Building to the Environment**

**Proposed development shall be related harmoniously to the terrain and to the use, scale, and architecture of the existing buildings in the vicinity that have functional or visible relationship to the proposed buildings. The Arlington Redevelopment Board may require a modification in massing so as to reduce the effect of shadows on the abutting property in an R0, R1 or R2 district or on public open space.**

The existing structure consists of two disparate parts: the single story commercial storefront and the residential structure behind. The proposed project will unify the existing single floor storefront with the rest of the building that is primarily residential by adding a story, a pitched roof line, and residential style windows. The existing structure also has prominent dormers, which will be better incorporated into the roof line as part of the proposed project. The Board can find that this condition is met.

**3. EDR-3 Open Space**

**All open space (landscaped and usable) shall be so designed as to add to the visual amenities of the vicinity by maximizing its visibility for persons passing by the site or overlooking it from nearby properties. The location and configuration of usable open space shall be so designed as to encourage social interaction, maximize its utility and facilitate maintenance.**

As noted above, the proposed project will add areas of landscaping to an existing impervious site. The applicant materials indicated that there will be 841 square feet of

landscaped open space and 250 square feet of usable open space. The Board can find that this condition is met.

**4. EDR-4 Circulation**

With respect to vehicular and pedestrian and bicycle circulation, including entrances, ramps, walkways, drives, and parking, special attention shall be given to location and number of access points to the public streets (especially in relation to existing traffic controls and mass transit facilities), width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, access to community facilities, and arrangement of vehicle parking and bicycle parking areas, including bicycle parking spaces required by Section 6.1.12 that are safe and convenient and, insofar as practicable, do not detract from the use and enjoyment of proposed buildings and structures and the neighboring properties.

The proposed project will maintain all existing circulation. As required by the Zoning Bylaw, each of the three 3-bedroom units requires 2 parking spaces per unit and 1 parking space per 500 square feet of commercial space for a total of 12 parking spaces. However, the proposal only provides 1 parking space per residential unit for a total of 9 parking spaces on the property. Given the proximity to a bus stop for multiple bus routes along Mass Ave and due to the non-competing uses proposed, the Board could find the parking reduction warranted. The Board may also want additional information regarding bicycle parking on the property which is not clearly shown on the application materials.

**5. EDR-5 Surface Water Drainage**

Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Available Best Management Practices for the site should be employed, and include site planning to minimize impervious surface and reduce clearing and re-grading. Best Management Practices may include erosion control and stormwater treatment by means of swales, filters, plantings, roof gardens, native vegetation, and leaching catch basins. Stormwater should be treated at least minimally on the development site; that which cannot be handled on site shall be removed from all roofs, canopies, paved and pooling areas and carried away in an underground drainage system. Surface water in all paved areas shall be collected in intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in the paved areas.

In accordance with Section 3.3.4., the Board may require from any applicant, after consultation with the Director of Public Works, security satisfactory to the Board to insure the maintenance of all stormwater facilities such as catch basins, leaching catch basins, detention basins, swales, etc. within the site. The Board may use funds provided by such security to conduct maintenance that the applicant fails to do.



**The Board may adjust in its sole discretion the amount and type of financial security such that it is satisfied that the amount is sufficient to provide for any future maintenance needs.**

The application materials note that two dry wells will be installed beneath the parking lot at the rear of the site to capture stormwater from the rear downspouts and the parking lot. This is an improvement over the existing conditions. However, there is no indication of where these units will be installed or whether they are appropriately sized for the structure and parking lot. Additionally, no information regarding the maintenance of the dry wells is included in the application materials. The Board can find that this condition is met, but may want additional material submitted for review by the Town Engineer.

**6. EDR-6 Utilities Service**

**Electric, telephone, cable TV, and other such lines of equipment shall be underground. The proposed method of sanitary sewage disposal and solid waste disposal from all buildings shall be indicated.**

There will be no changes to the utility service as a result of this proposal. The Board can find that this condition is met.

**7. EDR-7 Advertising Features**

**The size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall not detract from the use and enjoyment of proposed buildings and structures and the surrounding properties.**

There is no information provided in the application materials regarding the signage plan for the three commercial spaces proposed in the renovated building. It is anticipated that any tenant that desires to install signage in compliance with the Zoning Bylaw would have to return to the Department of Planning and Community Development for further approval, and a condition to that effect is proposed.

**8. EDR-8 Special Features**

**Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.**

No changes are proposed. The Board can find that this condition is met.

**9. EDR-9 Safety**

**With respect to personal safety, all open and enclosed spaces shall be designed to facilitate building evacuation and maximize accessibility by fire, police and other**

**emergency personnel and equipment. Insofar as practicable, all exterior spaces and interior public and semi-public spaces shall be so designed to minimize the fear and probability of personal harm or injury by increasing the potential surveillance by neighboring residents and passersby of any accident or attempted criminal act.**

No changes are proposed. The Board can find that this condition is met.

**10. EDR-10 Heritage**

**With respect to Arlington's heritage, removal or disruption of historic, traditional or significant uses, structures or architectural elements shall be minimized insofar as practical whether these exist on the site or on adjacent properties.**

While the property is included in a Massachusetts Historical Commission Cultural Resource Area (ARL.R), the existing structure is not listed nor is it under the jurisdiction of the Arlington Historical Commission. The Board can find that this condition is met.

**11. EDR-11 Microclimate**

**With respect to the localized climatic characteristics of a given area, any development which proposes new structures, new hard surface, ground coverage or the installation of machinery which emits heat, vapor or fumes shall endeavor to minimize insofar as practicable, any adverse impacts on light, air and water resources or on noise and temperature levels of the immediate environment.**

No changes are proposed. The Board can find that this condition is met.

**12. EDR-12 Sustainable Building and Site Design**

**Projects are encouraged to incorporate best practices related to sustainable sites, water efficiency, energy and atmosphere, materials and resources, and indoor environmental quality. Applicants must submit a current Green Building Council Leadership in Energy and Environmental Design (LEED) checklist, appropriate to the type of development, annotated with narrative description that indicates how the LEED performance objectives will be incorporated into the project.**

No changes are proposed. The Board can find that this condition is met.

**IV. Conditions**

**A. General**

1. The final plans and specifications for all signs shall be subject to final approval by the Department of Planning and Community Development (DPCD).



2. Any substantial or material deviation during construction from the approved plans and specifications is subject to the written approval of the Arlington Redevelopment Board.
3. The Board maintains continuing jurisdiction over this permit and may, after a duly advertised public hearing, attach other conditions or modify these conditions as it deems appropriate in order to protect the public interest and welfare.



# LEED v4 for Building Design and Construction: Homes and Multifamily Lowrise

## Project Checklist

Project Name:

925-927 Massachusettes Ave - Arlington, MA 02476

Date:

09.04.2018

Y ? N

☐ ☐ ☐ Credit Integrative Process 2

### 6 5 0 Location and Transportation 15

Y Prereq Floodplain Avoidance Required

#### PERFORMANCE PATH

☐ ☐ ☐ Credit LEED for Neighborhood Development Location 15

#### PRESCRIPTIVE PATH

4 1 ☐ Credit Site Selection 8

☐ 2 ☐ Credit Compact Development 3

☐ 2 ☐ Credit Community Resources 2

2 ☐ ☐ Credit Access to Transit 2

### 2 2 0 Sustainable Sites 7

Y Prereq Construction Activity Pollution Prevention Required

Y Prereq No Invasive Plants Required

☐ ☐ ☐ Credit Heat Island Reduction 2

☐ 2 ☐ Credit Rainwater Management 3

2 ☐ ☐ Credit Non-Toxic Pest Control 2

### 4 0 0 Water Efficiency 12

Y Prereq Water Metering Required

#### PERFORMANCE PATH

☐ ☐ ☐ Credit Total Water Use 12

#### PRESCRIPTIVE PATH

4 ☐ ☐ Credit Indoor Water Use 6

☐ ☐ ☐ Credit Outdoor Water Use 4

### 16 9 0 Energy and Atmosphere 38

Y Prereq Minimum Energy Performance Required

Y Prereq Energy Metering Required

Y Prereq Education of the Homeowner, Tenant or Building Manager Required

#### PERFORMANCE PATH

☐ ☐ ☐ Credit Annual Energy Use 29

#### BOTH PATHS

2 3 ☐ Credit Efficient Hot Water Distribution System 5

☐ ☐ ☐ Credit Advanced Utility Tracking 2

1 ☐ ☐ Credit Active Solar Ready Design 1

☐ ☐ ☐ Credit HVAC Start-Up Credentialing 1

#### PRESCRIPTIVE PATH

Y Prereq Home Size Required

☐ ☐ ☐ Credit Building Orientation for Passive Solar 3

2 ☐ ☐ Credit Air Infiltration 2

☐ ☐ ☐ Credit Envelope Insulation 2

3 ☐ ☐ Credit Windows 3

☐ ☐ ☐ Credit Space Heating & Cooling Equipment 4

### EA PRESCRIPTIVE PATH (continued)

☐ 3 ☐ Credit Heating & Cooling Distribution Systems 3

☐ 3 ☐ Credit Efficient Domestic Hot Water Equipment 3

2 ☐ ☐ Credit Lighting 2

2 ☐ ☐ Credit High Efficiency Appliances 2

4 ☐ ☐ Credit Renewable Energy 4

### 7 1 0 Materials and Resources 10

Y Prereq Certified Tropical Wood Required

Y Prereq Durability Management Required

☐ 1 ☐ Credit Durability Management Verification 1

4 ☐ ☐ Credit Environmentally Preferable Products 4

3 ☐ ☐ Credit Construction Waste Management 3

☐ ☐ ☐ Credit Material Efficient Framing 2

### 7 2 0 Indoor Environmental Quality 16

Y Prereq Ventilation Required

Y Prereq Combustion Venting Required

Y Prereq Garage Pollutant Protection Required

Y Prereq Radon-Resistant Construction Required

Y Prereq Air Filtering Required

Y Prereq Environmental Tobacco Smoke Required

Y Prereq Compartmentalization Required

1 ☐ ☐ Credit Enhanced Ventilation 3

2 ☐ ☐ Credit Contaminant Control 2

☐ 2 ☐ Credit Balancing of Heating and Cooling Distribution Systems 3

1 ☐ ☐ Credit Enhanced Compartmentalization 1

☐ ☐ ☐ Credit Enhanced Combustion Venting 2

☐ ☐ ☐ Credit Enhanced Garage Pollutant Protection 2

3 ☐ ☐ Credit Low Emitting Products 3

### 1 1 0 Innovation 6

Y Prereq Preliminary Rating Required

1 ☐ ☐ Credit Innovation 5

☐ 1 ☐ Credit LEED AP Homes 1

### 0 0 0 Regional Priority 4

☐ ☐ ☐ Credit Regional Priority: Specific Credit 1

☐ ☐ ☐ Credit Regional Priority: Specific Credit 1

☐ ☐ ☐ Credit Regional Priority: Specific Credit 1

☐ ☐ ☐ Credit Regional Priority: Specific Credit 1

### 43 20 0 TOTALS Possible Points: 110

Certified: 40 to 49 points, Silver: 50 to 59 points, Gold: 60 to 79 points, Platinum: 80 to 110





## Town of Arlington, Massachusetts

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### Continued Public Hearing - ZONING BYLAW AMENDMENT/ MEDICAL AND RECREATIONAL MARIJUANA ESTABLISHMENTS

#### Summary:

8:00-9:00 PM

To see if the Town will vote to amend the Zoning Bylaw to address Medical and Recreational Marijuana Establishments by: amending existing SECTION 2 DEFINITIONS "Medical Marijuana Treatment Center" and "Recreational Marijuana Establishments"; amending SECTION 3.4 ENVIRONMENTAL DESIGN REVIEW to include Recreational Marijuana Establishments as required to obtain an Environmental Design Review Special Permit; amending SECTION 5 DISTRICT REGULATIONS to create new use categories for Marijuana Establishments and amend existing use categories for Medical Marijuana Treatment Centers and to allow Recreational Marijuana Establishments and Medical Marijuana Treatment Centers in Business and Industrial zones; amending SECTION 8 SPECIAL REGULATIONS to remove the Temporary Moratorium on Recreational Marijuana Establishments and create a new section on marijuana uses; or take any action related thereto.  
(Inserted at the request of the Redevelopment Board)

- A brief introductory presentation will be provided
- Board members and members of the public will be provided time to ask questions and comment
- Board members may ask additional questions and/ or vote.

#### ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	Agenda_Item_1_-_Recreational_Marijuana_10-17-18_Posted_for_ARB_Hearing.docx	Recreational Marijuana 10-17-18 Posted for ARB Hearing
▢ Reference Material	Recreational_Marijuana_11-6-18_Revised_for_ARB_Hearing.pdf	Recreational Marijuana 11-6-18 Revised for ARB Hearing

### **Zoning Bylaw Amendments for Adult-Use and Medical Marijuana**

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 **Monday, November 5, 2018, at 7:30 P.M.** in the **Central School, 27 Maple Street, Main Room, Arlington, Massachusetts**. The ARB will hear public comments on the proposed amendment to the Zoning Bylaw. After receiving public comments, the ARB will make recommendations on the proposed amendment at Special Town Meeting, on Wednesday, December 5, 2018.

The draft language of the proposed amendment to the Zoning Bylaw is available on Thursday, October 18, 2018 through Tuesday, November 6, 2018 in the Department of Planning and Community Development on the first floor of the Town Hall Annex, Monday through Wednesday, 8:00 a.m. to 4:00 p.m.; Thursday, 8:00 a.m. to 7:00 p.m.; and Friday, 8:00 a.m. to 12:00 p.m., at the Robbins Library Reference Desk at 700 Massachusetts Avenue, or viewed and downloaded from the Redevelopment Board webpage of the Town's website at [www.arlingtonma.gov](http://www.arlingtonma.gov).

**Amend Section 2, DEFINITIONS, to add the following general definitions related to marijuana:**

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Marijuana: Also known as Cannabis, means all parts of any plant of the genus Cannabis, not excepted below and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; clones of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in M.G.L. c. 94G, § 1; provided that cannabis shall not include: (a) the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination; (b) hemp; or (c) the weight of any other ingredient combined with cannabis or marijuana to prepare topical or oral administrations, food, drink or other products.

Marijuana Products: Marijuana and its products unless otherwise indicated. These include products have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

Marijuana Use: A Marijuana Production Facility, Marijuana Research and Testing Facility, Marijuana Retailer, or Medical Marijuana Treatment Center as defined in this Zoning Bylaw.

**Amend Section 2, DEFINITIONS, to add the following definitions related to marijuana establishments:**

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Marijuana Establishment: A Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Retailer, Independent Testing Laboratory, Marijuana Research Facility, or any other type of licensed marijuana-related business, except a Medical Marijuana Treatment Center, also known as a Registered Marijuana Dispensary or RMD.

Marijuana Cultivator: An entity licensed to cultivate, process and package marijuana, and to transfer marijuana to other Marijuana Establishments, but not to consumers. A Craft Marijuana Cooperative is a type of Marijuana Cultivator, pursuant to 935 CMR 500.00.

Marijuana Product Manufacturer: An entity licensed to obtain, manufacture, process and package marijuana products and to transfer these products to other Marijuana Establishments, but not to consumers.

Marijuana Retailer: An entity licensed to purchase and transport marijuana products from Marijuana Establishments and to sell or otherwise transfer this product to Marijuana Establishments and to consumers. Retailers are prohibited from delivering marijuana products to consumers; and from offering marijuana products for the purposes of on-site social consumption on the premises of a Marijuana Establishment.

Independent Testing Laboratory: A laboratory that is licensed by the Cannabis Control Commission (the Commission) and is: (a) accredited to the International Organization for Standardization 17025 (ISO/IEC 17025: 2017) by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the Commission; (b) independent financially from any Medical Marijuana Treatment Center (also known



as a Registered Marijuana Dispensary or RMD), Marijuana Establishment or licensee for which it conducts a test; and (c) qualified to test marijuana in compliance with 935 CMR 500.160 and M.G.L. c. 94C, § 34.

Marijuana Research Facility: A Marijuana Research Facility is an academic institution, non-profit corporation or domestic corporation or entity authorized to do business in the Commonwealth of Massachusetts. A Marijuana Research Facility may cultivate, purchase or otherwise acquire marijuana for the purpose of conducting research regarding marijuana and marijuana products. Any research involving humans must be authorized by an Institutional Review Board. A Marijuana Research Facility may not sell marijuana it has cultivated.

Marijuana Microbusiness: A colocated Marijuana Establishment that can be either a Tier 1 Marijuana Cultivator or Product Manufacturer or both, pursuant to 935 CMR 500.00, in compliance with the operating procedures for each license. A Microbusiness that is a Marijuana Product Manufacturer may purchase no more than 2,000 pounds of marijuana per year from other Marijuana Establishments, pursuant 935 CMR 500.00.

Marijuana Production Facility: An establishment authorized to cultivate, manufacture, process, or package marijuana products, in accordance with applicable state laws and regulations. A Marijuana Production Facility may be licensed to operate as a Marijuana Cultivator or Marijuana Product Manufacturer, or registered as a Medical Marijuana Treatment Center (also known as a Registered Marijuana Dispensary or RMD), or both, in accordance with applicable state laws and regulations.

Medical Marijuana Treatment Center: A ~~not for profit~~ establishment registered with the Commonwealth pursuant to 105 CMR 725.100, also known as a "Registered Marijuana Dispensary" (RMD) that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, offers for sale, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers for medical purposes in accordance with applicable state laws and regulations. Unless otherwise specified, Medical Marijuana Treatment Center refers to the site(s) of dispensing, cultivation, and preparation of cannabis or marijuana for medical use.

**Amend SECTION 3.4 ENVIRONMENTAL DESIGN REVIEW, to include Marijuana Establishments as required to obtain an Environmental Design Review Special Permit:**

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#### Section 3.4.2. **Applicability**

The following uses shall also be acted upon by the Arlington Redevelopment Board in accordance with the environmental design review procedures and standards of this Section 3.4:

- (1) Any use permitted as a right or by special permit in the Planned Unit Development District and the Multi-Use District.
- (2) Parking in the Open Space District.
- (3) Medical Marijuana Treatment Center.
- (4) Any Marijuana Establishment.

**Amend SECTION 5 DISTRICT REGULATIONS, to create new use categories for Marijuana Establishments and amend existing use categories for Medical Marijuana Treatment Centers:**

Amend table in Section 5.5.3:

Class of Use	B1	B2	B2A	B3	B4	B5
<b>Retail</b>						
<u>Marijuana Retailer</u>			<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>
<b>Research, Laboratory, Related Uses</b>						
<u>Marijuana Research and Testing Facility</u>			<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>
<b>Light Industry</b>						
<u>Marijuana Production Facility</u>					<u>SP</u>	
<b>Other Principal Uses</b>						
Medical Marijuana Treatment Center			<u>SP</u>	SP	<u>SP</u>	SP

Amend table in Section 5.6.3:

Class of Use	MU	PUD	I	T	OS
<b>Retail</b>					
<u>Marijuana Retailer</u>			<u>SP</u>		
<b>Research, Laboratory, Related Uses</b>					
<u>Marijuana Research and Testing Facility</u>			<u>SP</u>		
<b>Light Industry</b>					
<u>Marijuana Production Facility</u>			<u>SP</u>		
<b>Other Principal Uses</b>					
<u>Medical Marijuana Treatment Center</u>			<u>SP</u>		

**Amend SECTION 8, Special Regulations, to delete temporary moratorium and replace with standards for marijuana uses**

**~~8.3~~ TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS**

**~~8.3.1~~ Purpose**

By vote at the State election on November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for recreational purposes (G.L. c. 94G, "Regulation of the Use and Distribution of Marijuana Not Medically Prescribed"). Effective December 15, 2016, the law allowed certain personal use and possession of marijuana, and further requires the Cannabis Control Commission to issue regulations regarding the licensing of commercial marijuana activities on or before March 15, 2018, and subsequently, to accept license applications for commercial operations beginning on April 1, 2018. The Cannabis Control Commission adopted regulations on or about March 6, 2018; transmitted to the Secretary of State on March 9, 2018. Non-medical Marijuana Establishments as defined by G.L. c. 94 are not otherwise contemplated or addressed under the present Zoning Bylaw. The regulations to be promulgated by the Cannabis Control

~~Commission provide important guidance on aspects of local regulation of Recreational Marijuana Establishments, as well as details on how the Town may further restrict commercial sales of recreational marijuana by local ballot questions, but were not finalized in sufficient advance of the Annual Town Meeting. Moreover, the regulation of recreational marijuana raises novel legal, planning and public safety issues, potentially necessitating time to study and consider the regulation of Recreational Marijuana Establishments and address such issues, as well as to address the potential impact of the aforementioned State regulations on local zoning; and to undertake a planning process fully informed by the new Cannabis Control Commission regulations to consider amending the Zoning Bylaw regarding regulation of Recreational Marijuana Establishments. The Town intends to continue its temporary moratorium on the use of land and structures in the Town for Recreational Marijuana Establishments so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to adopt provisions of the Zoning Bylaw in a manner consistent with sound land use planning goals and objectives now that the parameters of retail marijuana have been fully and finally defined by the Commission.~~

### ~~8.3.2~~ **Temporary Moratorium**

~~For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for Recreational Marijuana Establishments. The moratorium shall be in effect through December 31, 2018, or until such time as the Town adopts Zoning Bylaw amendments that regulate Recreational Marijuana Establishments, whichever occurs earlier. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of non-medical recreational marijuana in the Town, consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments and related uses, and shall consider adopting new Zoning Bylaws in response to these new issues.~~

### ~~8.3.3~~ **Severability**

~~The provisions of this by-law are severable. If any provision, paragraph, sentence, or clause of this bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw.~~

## 8.3. Standards for Marijuana Uses

For all marijuana uses, the following standards apply:

### A. General

- (1) Marijuana establishments and Medical Marijuana Treatment Centers shall be allowed only after the granting of an Environmental Design Review Special Permit by the Arlington Redevelopment Board, subject to the requirements of Section 3.4 and this Section.
- (2) Either Marijuana Retailers or Marijuana Production Facilities, as defined in Section 2, may be established to provide marijuana products for medical, non-medical use, or both, in accordance with applicable state laws and regulations.
- (3) Marijuana Establishments and Medical Marijuana Treatment Centers shall be located only in a permanent building and not within any mobile facility. All sales, cultivation,



manufacturing, and other related activities shall be conducted within the building, except in cases where home deliveries are authorized pursuant to applicable state and local regulations.

- (4) Marijuana Production Facilities shall not be greater than 5,000 square feet in gross floor area, and shall be licensed as a Marijuana Microbusiness if Marijuana Products are cultivated or manufactured for non-medical use.
- (5) A Marijuana Retailer or Marijuana Production Facility that has previously received an Environmental Design Review Special Permit from the Arlington Redevelopment Board for a Medical Marijuana Treatment Center shall be required to amend its previously issued Special Permit to authorize the conversion to or colocation of a Marijuana Establishment for the non-medical use of marijuana.

B. Location

- (1) Pursuant to 935 CMR 500.110, Marijuana Establishments shall not be permitted within 500 feet of a pre-existing public or private school providing education in kindergarten or any of grades one through 12. This standard also applies to Medical Marijuana Treatment Centers not already permitted by the date of this bylaw.
- (2) Marijuana Establishments and Medical Marijuana Treatment Centers, not already permitted by the date of this bylaw, shall not be located within 300 feet of Town-owned playgrounds and recreational facilities and 200 feet of public libraries, unless a finding of the Arlington Redevelopment Board determines that the location, based on site-specific factors or if the Applicant demonstrates that proximity to the aforementioned facilities, will not be detrimental based upon criteria established in 3.3.3. and 3.3.4.
- (3) A Marijuana Retailer or Medical Marijuana Treatment Center shall not be permitted within 2,000 feet of another Marijuana Retailer or Medical Marijuana Treatment Center.

C. Cap on the number of Special Permits for Marijuana Retailers

- (1) The Arlington Redevelopment Board shall not grant a special permit if doing so would result in the total number of Marijuana Retailer licenses to exceed 20% of the number of liquor licenses for off-premises alcohol consumption that have been issued by the Select Board pursuant to M.G.L. c. 138, § 15, as rounded up to the nearest whole number in the event the number is a fraction.

### **Zoning Bylaw Amendments for Adult-Use and Medical Marijuana**

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 **Monday, November 5, 2018, at 7:30 P.M.** in the **Central School, 27 Maple Street, Main Room, Arlington, Massachusetts**. The ARB will hear public comments on the proposed amendment to the Zoning Bylaw. After receiving public comments, the ARB will make recommendations on the proposed amendment at Special Town Meeting, on Wednesday, December 5, 2018.

The draft language of the proposed amendment to the Zoning Bylaw is available on Thursday, October 18, 2018 through Tuesday, November 6, 2018 in the Department of Planning and Community Development on the first floor of the Town Hall Annex, Monday through Wednesday, 8:00 a.m. to 4:00 p.m.; Thursday, 8:00 a.m. to 7:00 p.m.; and Friday, 8:00 a.m. to 12:00 p.m., at the Robbins Library Reference Desk at 700 Massachusetts Avenue, or viewed and downloaded from the Redevelopment Board webpage of the Town's website at [www.arlingtonma.gov](http://www.arlingtonma.gov).

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Marijuana: Also known as Cannabis, means all parts of any plant of the genus Cannabis; not excepted below and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; clones of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in M.G.L. c. 94G, § 1; provided that cannabis shall not include: (a) the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination; (b) hemp; or (c) the weight of any other ingredient combined with cannabis or marijuana to prepare topical or oral administrations, food, drink or other products.

Marijuana Products: Marijuana and its products unless otherwise indicated. These include products ~~that~~ have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

Marijuana Use: A Marijuana Production Facility (See “Marijuana Cultivator”, “Marijuana Product Manufacturer”, “Marijuana Microbusiness”, and “Marijuana Production Facility”), Marijuana Research and Testing Facility (See “Independent Testing Laboratory” and “Marijuana Research Facility”), Marijuana Retailer, or Medical Marijuana Treatment Center as defined in this Zoning Bylaw.

**Amend Section 2, DEFINITIONS, to ~~add the following definitions related to marijuana establishments~~ strike the existing definition for Recreational Marijuana Establishment and replace with the definition for Marijuana Establishment:**

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~~Recreational Marijuana Establishment: A non-medical marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.~~

Marijuana Establishment: A Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Retailer, Independent Testing Laboratory, Marijuana Research Facility, or any other type of licensed marijuana-related business, except ~~not~~ a Medical Marijuana Treatment Center, also known as a Registered Marijuana Dispensary or RMD.

**Amend Section 2, DEFINITIONS, to add the following definitions related to marijuana establishments:**

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Marijuana Cultivator: An entity licensed to cultivate, process and package marijuana, and to transfer marijuana to other Marijuana Establishments, but not to consumers. A Craft Marijuana Cooperative is a type of Marijuana Cultivator, pursuant to 935 CMR 500.00.

Marijuana Product Manufacturer: An entity licensed to obtain, manufacture, process and package marijuana products and to transfer these products to other Marijuana Establishments, but not to consumers.



Marijuana Retailer: An entity licensed to purchase and transport ~~marijuana-Marijuana products-Products~~ from Marijuana Establishments and to sell or otherwise transfer this product to Marijuana Establishments and to consumers. Retailers are prohibited from ~~off-site delivery of Marijuana Products~~ delivering marijuana products to consumers; and from offering ~~marijuana-Marijuana products-Products~~ for the purposes of on-site social consumption on the premises of a Marijuana Establishment.

Independent Testing Laboratory: A laboratory that is licensed by the Cannabis Control Commission (the Commission) and is: (a) accredited to the International Organization for Standardization 17025 (ISO/IEC 17025: 2017) by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the Commission; (b) independent financially from any Medical Marijuana Treatment Center (also known as a Registered Marijuana Dispensary or RMD), Marijuana Establishment or licensee for which it conducts a test; and (c) qualified to test marijuana in compliance with 935 CMR 500.160 and M.G.L. c. 94C, § 34.

Marijuana Research Facility: A Marijuana Research Facility is an academic institution, non-profit corporation or domestic corporation or entity authorized to do business in the Commonwealth of Massachusetts. ~~A-Such~~ Marijuana Research Facility may cultivate, purchase or otherwise acquire marijuana for the purpose of conducting research regarding ~~marijuana-Marijuana~~ and ~~marijuana Marijuana productsProducts~~. Any research involving humans must be authorized by an Institutional Review Board. A Marijuana Research Facility may not sell marijuana it has cultivated.

Marijuana Microbusiness: A colocated Marijuana Establishment that can be either a Tier 1 Marijuana Cultivator or Product Manufacturer or both, pursuant to 935 CMR 500.00, in compliance with the operating procedures for each license. A Microbusiness that is a Marijuana Product Manufacturer may purchase no more than 2,000 pounds of marijuana per year from other Marijuana Establishments, pursuant 935 CMR 500.00.

Marijuana Production Facility: An establishment authorized to cultivate, manufacture, process, or package marijuana products, in accordance with applicable state laws and regulations. A Marijuana Production Facility may be licensed to operate as a Marijuana Cultivator or Marijuana Product Manufacturer, or registered as a Medical Marijuana Treatment Center (also known as a Registered Marijuana Dispensary or RMD), or ~~both a colocated medical and non-medical establishment~~, in accordance with applicable state laws and regulations.

**Amend Section 2, DEFINITIONS, to revise the existing definition for Medical Marijuana Treatment Center:**

Medical Marijuana Treatment Center: ~~An not-for-profit~~ establishment registered with the Commonwealth pursuant to 105 CMR 725.100, also known as a "Registered Marijuana Dispensary" (RMD) that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, offers for sale, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers for medical purposes in accordance with applicable state laws and regulations. Unless otherwise specified, Medical Marijuana Treatment Center refers to the site(s) of dispensing, cultivation, and preparation of cannabis or marijuana for medical use.

**Amend SECTION 3.4 ENVIRONMENTAL DESIGN REVIEW, to include Marijuana Establishments as required to obtain an Environmental Design Review Special Permit:**

**Section 3.4.2. Applicability**

The following uses shall also be acted upon by the Arlington Redevelopment Board in accordance with the environmental design review procedures and standards of this Section 3.4:

- (1) Any use permitted as a right or by special permit in the Planned Unit Development District and the Multi-Use District.
- (2) Parking in the Open Space District.
- (3) Medical Marijuana Treatment Center.
- (4) ~~Any~~ Marijuana Establishment.

**Amend SECTION 5 DISTRICT REGULATIONS, to create new use categories for Marijuana Establishments and amend existing use categories for Medical Marijuana Treatment Centers:**

Amend table in Section 5.5.3:

Class of Use	B1	B2	B2A	B3	B4	B5
<b>Retail</b>						
<u>Marijuana Retailer</u>			<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>
<b>Research, Laboratory, Related Uses</b>						
<u>Marijuana Research and Testing Facility</u>			<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>
<b>Light Industry</b>						
<u>Marijuana Production Facility</u>					<u>SP</u>	
<b>Other Principal Uses</b>						
Medical Marijuana Treatment Center			<u>SP</u>	SP	<u>SP</u>	SP

Amend table in Section 5.6.3:

Class of Use	MU	PUD	I	T	OS
<b>Retail</b>					
<u>Marijuana Retailer</u>			<u>SP</u>		
<b>Research, Laboratory, Related Uses</b>					
<u>Marijuana Research and Testing Facility</u>			<u>SP</u>		
<b>Light Industry</b>					
<u>Marijuana Production Facility</u>			<u>SP</u>		
<b>Other Principal Uses</b>					
<u>Medical Marijuana Treatment Center</u>			<u>SP</u>		

Amend SECTION 8, Special Regulations, to delete temporary moratorium and replace with standards for marijuana uses

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### ~~8.3~~ **TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS**

#### ~~8.3.1~~ **Purpose**

By vote at the State election on November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for recreational purposes (G.L. c. 94G, "Regulation of the Use and Distribution of Marijuana Not Medically Prescribed"). Effective December 15, 2016, the law allowed certain personal use and possession of marijuana, and further requires the Cannabis Control Commission to issue regulations regarding the licensing of commercial marijuana activities on or before March 15, 2018, and subsequently, to accept license applications for commercial operations beginning on April 1, 2018. The Cannabis Control Commission adopted regulations on or about March 6, 2018; transmitted to the Secretary of State on March 9, 2018. Non-medical Marijuana Establishments as defined by G.L. c. 94 are not otherwise contemplated or addressed under the present Zoning Bylaw. The regulations to be promulgated by the Cannabis Control Commission provide important guidance on aspects of local regulation of Recreational Marijuana Establishments, as well as details on how the Town may further restrict commercial sales of recreational marijuana by local ballot questions, but were not finalized in sufficient advance of the Annual Town Meeting. Moreover, the regulation of recreational marijuana raises novel legal, planning and public safety issues, potentially necessitating time to study and consider the regulation of Recreational Marijuana Establishments and address such issues, as well as to address the potential impact of the aforementioned State regulations on local zoning; and to undertake a planning process fully informed by the new Cannabis Control Commission regulations to consider amending the Zoning Bylaw regarding regulation of Recreational Marijuana Establishments. The Town intends to continue its temporary moratorium on the use of land and structures in the Town for Recreational Marijuana Establishments so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to adopt provisions of the Zoning Bylaw in a manner consistent with sound land use planning goals and objectives now that the parameters of retail marijuana have been fully and finally defined by the Commission.

#### ~~8.3.2~~ **Temporary Moratorium**

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for Recreational Marijuana Establishments. The moratorium shall be in effect through December 31, 2018, or until such time as the Town adopts Zoning Bylaw amendments that regulate Recreational Marijuana Establishments, whichever occurs earlier. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of non-medical recreational marijuana in the Town, consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments and related uses, and shall consider adopting new Zoning Bylaws in response to these new issues.

#### ~~8.3.3~~ **Severability**



The provisions of this by-law are severable. If any provision, paragraph, sentence, or clause of this bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw.

### 8.3. Standards for Marijuana Uses

For all marijuana uses, the following standards apply:

#### A. General

- (1) Marijuana ~~establishments~~ Establishments and Medical Marijuana Treatment Centers shall be allowed only after the granting of an Environmental Design Review Special Permit by the Arlington Redevelopment Board, subject to the requirements of Section 3.4 and this Section.
- (2) ~~Either~~ Marijuana Retailers ~~or and~~ Marijuana Production Facilities, as defined in Section 2, may be established to provide ~~marijuana~~ Marijuana products ~~Products~~ for medical, non-medical use, or both, in accordance with applicable state laws and regulations.
- (3) Marijuana Establishments and Medical Marijuana Treatment Centers shall be located only in a permanent building and not within any mobile facility. All sales, cultivation, manufacturing, and other related activities shall be conducted within the building, except in cases where home deliveries are authorized pursuant to applicable state and local regulations.
- (4) Marijuana Production Facilities shall not be greater than 5,000 square feet in gross floor area, and shall be licensed as a Marijuana Microbusiness if Marijuana Products are cultivated or ~~manufactured~~ produced ~~for non-medical use.~~
- (5) A Marijuana Retailer or Marijuana Production Facility that has previously received an Environmental Design Review Special Permit from the Arlington Redevelopment Board for a Medical Marijuana Treatment Center shall be required to amend its previously issued Special Permit to authorize the conversion to or colocation of a Marijuana Establishment for the non-medical use of marijuana.

#### B. Location

- (1) Pursuant to 935 CMR 500.110, Marijuana Establishments shall not be permitted within 500 feet of a pre-existing public or private school providing education in kindergarten or any of grades one through 12. This standard also applies to Medical Marijuana Treatment Centers not already permitted by the date of this bylaw.
- (2) Marijuana Establishments and Medical Marijuana Treatment Centers, not already permitted by the date of this bylaw, shall not be located within 300 feet of Town-owned playgrounds and recreational facilities and 200 feet of public libraries, unless a finding of the Arlington Redevelopment Board determines that the location, based on site-specific factors, or if the Applicant demonstrates, to the satisfaction of the Arlington Redevelopment Board, that proximity to the aforementioned facilities, will not be detrimental based upon criteria established in 3.3.3. and 3.3.4.
- (3) A Marijuana Retailer ~~or Medical Marijuana Treatment Center~~ shall not be permitted within 2,000 feet of another Marijuana Retailer ~~or Medical Marijuana Treatment Center~~.

~~C. — Cap on the number of Special Permits for Marijuana Retailers~~

~~(1)~~C. The Arlington Redevelopment Board shall not grant a special permit if doing so would result in the total number of Marijuana Retailer licenses to exceed 2, or 20% of the number of liquor licenses for off-premises alcohol consumption that have been issued by the Select Board pursuant to M.G.L. c. 138, § 15, as rounded up to the nearest whole number in the event the number is a fraction, whichever is greater.

DRAFT



## **Town of Arlington, Massachusetts**

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### **Sign Bylaw Amendments – Update on Sign Bylaw stakeholder interviews and forum**

#### **Summary:**

- 9:00-9:15 p.m.      • Staff will provide an update on the bylaw update process





## Town of Arlington, Massachusetts

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### 2019 Meeting Schedule

#### Summary:

9:15-9:20 p.m. • Board members will review and approve 2019 Meeting Schedule

#### ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	2019_Meeting_Schedule.docx	2019 Meeting Schedule



## ARLINGTON REDEVELOPMENT BOARD

TOWN HALL ARLINGTON, MASSACHUSETTS 02476

TELEPHONE 781-316-3090

### 2019 Meeting Schedule

In general, the ARB meets on the 1<sup>st</sup> and 3<sup>rd</sup> Monday of the month, in the Town Hall Annex, 2<sup>nd</sup> floor conference room, at 7:30 pm. Monday holidays or other events may cause a change in the schedule. If there are no pressing agenda items meetings may be cancelled.

January 7, 2019
January 28, 2019
February 4, 2019
February 25, 2019
March 4, 2019
March 18, 2019
April 1, 2019
April 22, 2019
May 6, 2019
May 20, 2019
June 3, 2019
June 17, 2019
July 1, 2019
July 15, 2019
August 12, 2019
September 9, 2019
September 23, 2018
October 7, 2018
October 21, 2018
November 4, 2018
November 18, 2018
December 2, 2018
December 16, 2018