



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

### **Agenda & Meeting Notice November 19, 2018**

The Arlington Redevelopment Board will meet Monday, November 19, 2018 at 7:30 PM in the **Town Hall Annex, 2nd Floor Conference Room, 730 Massachusetts Avenue, Arlington, MA 02476**

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

7:30-8:30 p.m.      Hearing postponed - The new hearing date will be determined at the meeting tonight.

Board will review application by Chris Cormier for 10 Sunnyside Ave, LLC, at 10 Sunnyside Avenue, Arlington, MA, 02474, to open Special Permit Docket #3586 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 proposes a mixed-use building in the B4 Vehicular Business District per Section 5.5.3 and a parking reduction per 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. Draft Report to Special Town Meeting for Zoning Bylaw Amendment/ Medical and Recreational Marijuana Establishments**

8:30-8:50 p.m.      • Board members will review report, comment, and vote.

#### **3. Meeting Minutes**

8:50-9:00 p.m.      • Board members will review and approve meeting minutes

#### **4. Adjourn**

9:00 p.m.              Adjourn

#### **5. Correspondence received**

Correspondence received: Emails regarding retail marijuana 11-7-18



## Town of Arlington, Massachusetts

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#### ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	hearing_letter_2018_11_19_-_10_Sunnyside.pdf	Hearing Letter 10 Sunnyside
▢ Reference Material	Agenda_Item_1_-_EDR_Public_Hearing_Memo_10_Sunnyside_Ave.doc	EDR Public Hearing Memo 10 Sunnyside
▢ Reference Material	Agenda_Item_1_-_EDR_Special_Permit_Application_10_Sunnyside_Ave_-_updated.pdf	EDR Special Permit Application 10 Sunnyside

**ROBERT J. ANNESE**  
ATTORNEY AT LAW

November 19, 2018

Jennifer Raitt, Director (via e-mail: [JRaitt@town.arlington.ma.us](mailto:JRaitt@town.arlington.ma.us))  
Department of Planning and Community Development  
Town of Arlington  
730 Massachusetts Avenue  
Arlington, MA 02476

Erin Zwirko, AICP, LEED AP (via e-mail: [EZwirko@town.arlington.ma.us](mailto:EZwirko@town.arlington.ma.us))  
Assistant Director  
Department of Planning and Community Development  
Town of Arlington  
730 Massachusetts Avenue  
Arlington, MA 02476

Mary Muszynski (via e-mail: [mmuszynski@town.arlington.ma.us](mailto:mmuszynski@town.arlington.ma.us))

RE: Hearing Scheduled for Monday, November 19, 2018 at 7:30 p.m. - Docket No. 3586

Dear Jennifer and Erin:

Christopher Cormier, the Petitioner with respect to the above referenced hearing does herewith request that the hearing be continued as he is examining his proposed plans with respect to the possibility of making modifications to the plans as submitted.

Chapter 40A, Section 9 of the General Laws of the Commonwealth of Massachusetts provide in part that "the special permit granting authority shall hold a public hearing for which notice has been given as provided in Section 11, on any application for a special permit within sixty-five (65) days from the date of filing such application."

That section further provides in part as follows: "the required time limits for a public hearing in said action may be extended by written agreement between the petitioner and the special permit granting authority."

"A copy of such agreement shall be filed in the Office of the City or Town Clerk".

Since I cannot presently inform you of the date my client will be ready for the continued hearing, I am sending you this letter to ensure that there will be no constructive approval of the special permits my client has applied for if a public hearing is not held within the sixty-five (65) day time period.

I will be back to you as soon as the plans have been modified.

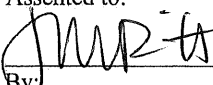
Thank you for your cooperation in this matter.

Very truly yours,

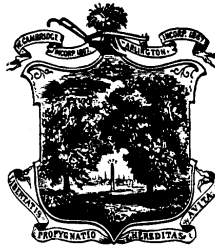
  
Robert J. Annese, Counsel for  
Christopher Cormier

Assented to:

By:

  
Arlington Redevelopment Board

1171 MASSACHUSETTS AVENUE • ARLINGTON, MASSACHUSETTS 02476 • TELEPHONE 781-646-4911 • FAX 781-646-4910  
E-MAIL ADDRESS: [LAW@ROBERTANNESE.COM](mailto:LAW@ROBERTANNESE.COM)



**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, 10 Sunnyside Ave, Arlington, MA  
Docket #3586

**Date:** November 13, 2018

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**I. Docket Summary**

This is an application by Chris Cormier for 10 Sunnyside Ave, LLC to construct a mixed-use building at 10 Sunnyside Avenue. The proposed building is located in the B4 Vehicular Business District per Section 5.5. The Board will review and approve the proposed construction under Section 3.4, Environmental Design Review, because the building is mixed-use, and the requested parking reduction, under Section 6.1.5, Parking Reduction in Business, Industrial and Multi-Family Residential Zones. The proposed uses include 2,481 square feet of commercial space, and twenty-six residential units comprised of 4 one-bedroom units, 18 two-bedroom units, and 4 three-bedroom units. The proposed project also triggers the inclusionary zoning bylaw; therefore, 4 units of the 26 total units must be made affordable per Section 8.2 of the Zoning Bylaw.

Materials submitted for consideration of this application:

Application for EDR Special Permit, Narrative, Site Plan, Floor Plans, Elevations, and Lighting Plan details dated October 23, 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.**

Mixed-use is allowed by Special Permit in the B4 Vehicular Business District. The Zoning Bylaw, in Section 5.5.1, indicates that as the automotive-oriented businesses have closed, the Town encourages the conversion of property to other retail, service, office, or residential use, particularly as part of a mixed-use development. The Board can find that these conditions exist for the proposed project site and the mixed-use development should be encouraged.

**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 add 26 residential units, of which 4 units will be affordable to eligible households making up to 80% of the area median income, and one commercial space. There is a clear need for additional market-rate and affordable housing units in the community; this project helps address that demand. Although the specific affordable units are not identified in the application materials, the affordable units must be dispersed throughout the building and shall be comparable to market-rate units in terms of location, quality and character, room size, number of rooms, number of bedrooms, and external appearance.

Additionally, the commercial space could be a great convenience for the surrounding residential neighborhood or as a complement to the Lahey Health complex and the multiple fitness studios in the immediate area. Furthermore, there is a supermarket approximately 800 feet from the property and additional neighborhood businesses within an approximately half-mile walk. For additional convenience, a Route 87 bus stop is located at the corner of Broadway and Sunnyside, and travels between Arlington Center and Lechmere Station in Cambridge.

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 39 underground parking spaces for the residential and commercial uses. This condition is an improvement over the existing conditions along Sunnyside Avenue where vehicles are often parked on the street or straddling the sidewalk and street while waiting for service at one of the automotive-oriented businesses along this stretch of Sunnyside. The proposed project also improves pedestrian safety by establishing a formal sidewalk in an area where there is no delineated and separated sidewalk.

**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.**

While the proposed mixed-use building will have a different demand on public utilities than the existing automotive-oriented business, the proposed project will not overload the necessary 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.**

As a condition of any decision for the proposed mixed-use building, the applicant will need to fulfill the requirements of the Affordable Housing bylaw, including making 4 units that are representative of the mix of units in the building available to eligible households making up to 80% of the area median income. There are no other special regulations for the use that must be fulfilled. The Board can find that this condition is met.

**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 structure will improve the streetscape and is consistent with the Design Standards for the Town of Arlington. The proposed design of the structure is consistent with the standards for building setbacks, building height, the public realm interface, parking and access, façade and materials, and signage and wayfinding. In particular, the building includes step back above the second story in order to minimize the mass of the building and the building is set back from the sidewalk and street furniture is proposed to allow any ground floor activities to extend outside. Bicycle parking is available at the sidewalk, and vehicular parking is located behind the building and underground. There is variation in the front façade, allowing the wall to be articulated by varying bays and materials. There is differentiation between the first and second story allowing for a clear sign band. 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 there is no natural landscape to preserve. As part of the project, landscaping beds will be added along the sidewalk and along the side yards of the property. 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 B4 Vehicular Oriented Business Districts in Arlington are often in transition as the automotive businesses close and the properties are redeveloped. On the Broadway block between Sunnyside Avenue and Silk Street are two relatively new buildings, so although those buildings are located in a different zoning district (B2A), the proposed redevelopment of 10 Sunnyside Avenue will continue the scale of buildings at this gateway to Arlington and will incorporate elements that improve new building design. Further east along Sunnyside Avenue are lower density residential uses, so as redevelopment continues to occur on this particular block of Sunnyside Avenue, the scale and mass of buildings will have to appropriately transition. 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. Along the sidewalk at the front of the building, approximately 42 square feet of usable open space and approximately 2,100 square feet of landscaped open space will be added to the project site, which will be a visual amenity. This open space will provide areas for people to sit and relax outside of the building. The

proposed project meets the requirements for landscaped open space and 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 improve circulation. The existing automotive-oriented business has multiple curb cuts to support the maneuvering of vehicles in and out of auto repair bays. By focusing vehicular traffic to the east side of the property, the proposed project will consolidate vehicular traffic to a single curb cut. This consolidation will help improve pedestrian access across the site as well as the creation of a sidewalk, particularly to access the bus stop at the corner of Broadway and Sunnyside Avenue.

The proposed project contains 39 parking spaces located at-grade at the rear of the property and underground. The parking requirement for the residential uses totals 40 parking spaces, and while the commercial space would typically require 9 parking spaces, the first 3,000 square feet of non-residential space in mixed-use projects is exempt from the parking requirements per Section 6.1.10.C. Additionally, with the incentive reduction for complying with the affordable housing requirements, the parking requirement can be reduced by 10 percent (Section 8.2.4.A). Therefore, the proposed project is required to provide 36 parking spaces and the project is in compliance with the parking requirement.

<b>10 Sunnyside Ave Parking Requirement</b>			
	<b><u>Number of Units</u></b>	<b><u>Zoning Requirement</u></b>	<b><u>Total Parking Required</u></b>
<b>1 bedroom</b>	<b>4</b>	<b>1.15</b>	<b>4.60</b>
<b>2 bedroom</b>	<b>18</b>	<b>1.5</b>	<b>27.00</b>
<b>3 bedroom</b>	<b>4</b>	<b>2.0</b>	<b>8.00</b>
<b>Retail</b>	<b>2,461 sf</b>	<b>1/300 sf*</b>	<b>0.00</b>
<b>Total Parking</b>			<b>40</b>
<b>10% Reduction for Affordable Housing</b>			<b>4</b>
<b>Total Parking Required</b>			<b>36</b>
* First 3,000 sf of non-residential space in mixed-use projects is exempt.			



Interior bicycle storage is provided with each parking space. Additionally, two bicycle racks will be installed at the front of the building.

**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 onsite drainage will be incorporated. This is an improvement over the existing conditions. However, there is no indication of how this will be accomplished onsite. Additional material must be submitted for review and approval 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.

All new utilities will be underground. 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.**

The proposed building will have signage above the residential entrance and the commercial space, and directional signage above the garage door. The signage for the future tenant of the commercial space would be designed and submitted for review at a future date, but should be consistent with the look and feel of the signage for the residential entrance.

The residential entrance signage appears to be in compliance with the requirements of the Zoning Bylaw. However, the use of the word “Residential” does not seem to be appropriate or welcoming for the building. It may be more appropriate to revise the proposal to read “10 Sunnyside Avenue”, utilizing the numerals to indicate the street address and replacing “Residential” with “Sunnyside Avenue.” It would accomplish the same goal of identifying the street address of the building as well as dictating with the residential entrance is located, especially if the commercial tenant has its own signage, and would be more attractive.

No dimensional information is provided for the sign above the lower garage entrance. However, while it provides useful information regarding the entrance to the lower garage, it may not be necessary, or should be minimized further to not be a detractor from the attractive façade of the building.

**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.**

None 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.**

Lighting is provided around the building to support safety. The building has multiple means of egress from the building. The single driveway will improve pedestrian safety. 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.**

The existing structure is not listed nor is it under the jurisdiction of the Arlington Historical Commission. There are no other significant uses relative to Arlington's heritage in the vicinity. 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.**

There will be no adverse impacts on light, air and water resources, or on noise and temperature levels. HVAC units will be properly located to not create noise impacts on the adjacent uses. 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.**

The building has been designed to meet multiple LEED performance standards. The Board can find that this condition is met.

**IV. Conditions**

**A. General**

1. The final design, sign, exterior material, landscaping, and lighting plans shall be subject to the approval of the Arlington Redevelopment Board or administratively approved by the Department of Planning and Community Development. Any substantial or material deviation during construction from the approved plans and specifications is subject to the written approval of the Arlington Redevelopment Board

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.
4. Snow removal from all parts of the site, as well as from any abutting public sidewalks, shall be the responsibility of the owner and shall be accomplished in accordance with Town Bylaws.
5. Trash shall be picked up only on Monday through Friday between the hours of 7:00 am and 6:00 pm. All exterior trash and storage areas on the property, if any, shall be properly screened and maintained in accordance with Article 30 of Town Bylaws.
6. The Applicant shall provide a statement from the Town Engineer that all proposed utility services have adequate capacity to serve the development. The applicant shall provide evidence that a final plan for drainage and surface water removal has been reviewed and approved by the Town Engineer.
7. Upon installation of landscaping materials and other site improvements, the Applicant shall remain responsible for such materials and improvement and shall replace and repair as necessary to remain in compliance with the approved site plan.
8. All utilities serving or traversing the site (including electric, telephone, cable, and other such lines and equipment) shall be underground.
9. Upon the issuance of the building permit the Applicant shall file with the Building Inspector and the Department of Community Safety the names and telephone numbers of contact personnel who may be reached 24 hours each day during the construction period.
10. Building signage will be filed with and reviewed and approved by the Department of Planning and Community Development and Inspectional Services.

## **B. Special Conditions**

1. The owner will work with the Department of Planning and Community Development to comply with all requirements of Section 8.2, Affordable Housing Requirements.

2. An Affordable Housing Deed Restriction shall be executed with the Town prior to issuance of an Occupancy Permit for the four affordable units.
3. No condominium conversion of said affordable rental units shall be permitted without the express permission of this Board. In the case of a proposed condominium conversion, Applicant shall work with the Department of Planning and Community Development to ensure that the units continue to meet the requirements of Section 8.2.

TOWN OF ARLINGTON  
REDEVELOPMENT BOARD

PLANNING & COMMUNITY  
DEVELOPMENT

Application for Special Permit In Accordance with Environmental Design  
Review Procedures (Section 3.4 of the Zoning Bylaw)

OCT 23 A 9:24

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

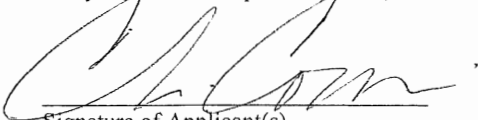
1. Property Address: 10 Sunnyside Avenue, Arlington, MA 02474  
Name of Record Owner(s): 10 Sunnyside Ave LLC Phone: 781-646-4911  
Address of Owner: 10 Sunnyside Avenue, Arlington, MA 02474  
Street City, State, ZIP
2. Name of Applicant(s) (if different than above): Chris Cormier  
Address: c/o Robert J. Annese, 1171 Massachusetts Ave., Arlington, MA 02476 Phone: 781-646-4911  
Status Relative to Property (occupant, purchaser, etc.): Owner under agreement
3. Location of Property: 033.0-0002-0002.B  
Assessor's Block Plan, Block, Lot No.
4. Deed recorded in the Middlesex South District Registry of Deeds, Book 71763, Page 163; or- registered in Land Registration Office, Cert. No \_\_\_\_\_, Book \_\_\_\_\_, Page \_\_\_\_\_
5. Present Use of Property (include # of dwelling units, if any): automotive garage & repair facility
6. Proposed Use of Property (include # of dwelling units, if any): mixed use residential; 26 residential units as well as one unit of retail space
7.

Permit applied for in accordance with the following Zoning Bylaw section(s):	<u>Section 3.4</u> <u>Section 5.5 -B4</u> <u>Section 6.1</u>	<u>Environmental Design Review</u> <u>Mixed Use</u> <u>Table of Off Street Parking Regulations</u>
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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 attached Statement incorporated by reference into the terms of this Application.**

(In the statement below, strike out the words that do not apply)

The applicant states that it is the owner ~~or occupant or purchaser~~ under agreement of the property in Arlington located at 10 Sunnyside Avenue, Arlington 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)  
Chris Cormier

c/o Robert J. Annese, 1171 Mass Ave., Arlington, MA 02476  
Address

781-646-4911  
Phone

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

Required Submittals Checklist

File each in triplicate except for model  
References are to Arlington Zoning Bylaw

- √ Dimensional and Parking Information Form
- √ Site plan of proposal
- X Model, if required
- √ Drawing of proposed structure
- √ Proposed landscaping. May be incorporated into site plan
- √ Photographs
- √ Impact statement
- √ Application and plans for sign permits
- √ 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: \_\_\_\_\_

EL Notified Building Inspector of Special Permit filing Date: 10/26/18

TOWN OF ARLINGTON  
REDEVELOPMENT BOARD

Petition for Special Permit under Environmental Design Review (see Section 3.4 of the Arlington Zoning Bylaw for Applicability)

For projects subject to Environmental Design Review, (see section 3.4), 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.

**Currently the existing site is a one story structure surrounded by old pavement for parking along with a chain-link fence securing the property. There is currently very little to no landscaping or plantings. The new proposal will incorporate new plantings, trees and green open space to the site.**

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, RI or R2 district or on public open space.

**The building which abuts the site on the left side of the property is a 3 story brick commercial building. On the right side, the abutting structure is a two story masonry commercial garage. Further down Sunnyside Avenue are a mixture of single and multifamily dwellings.**

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.

**The current building on the existing site sits approximately 4 feet from the edge of the street so the pavement goes to the edge of the building which does not allow for any landscaping. The new proposal pushes the new building back 15 feet from the sidewalk to allow for green open space at the front of the building as well as side yard setbacks for additional open space on the side of the building.**

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 within the site has been designed in a way to have the pedestrian / bike traffic at the left side of the site and the vehicular traffic entering and exiting the site on the far right side of the site. Having the pedestrian / bike traffic at the left side of the site keeps the circulation closer to the Broadway intersection as well as the Alewife Greenway Bike Path.**



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 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 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.

**The new proposal brings the new green open space onto the site which will help with natural drainage within the site. The civil engineer will also incorporate additional onsite drainage that will allow the site to manage all the rain runoff with the site itself.**

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.

**All the new utility service will be underground.**

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 are subject to the provisions of Section 6.2 of the Zoning Bylaw.

**The proposed signage for the residential entry is detailed on drawing A7. The retail signage will be designed at a later date when a future tenant leases the space. All the signage will be done in accordance with the Arlington Bylaws and regulations.**

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.

**At this time, there are no special features designed for the project. If one is needed and designed, it would be designed in accordance with the Arlington Bylaws as well as having the proper setbacks and screening required by the Bylaw.**

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.

**The new building design has large setbacks from the property lines giving the site more areas for landscaping, lighting as well as additional security features that will not negatively impact on the abutting neighborhood.**

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.

**The existing one story masonry building was built approximately around 1920. The site and building does not appear to be historic or significant to Arlington's Heritage.**

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.

**The Applicant's plans have been prepared to deal with minimizing any noise emanating from any air-conditioning or heating system servicing the property and there will be no vapor or fumes generated by the property construction and use.**

**In addition the building will be constructed in accordance with the plans submitted which comply with the height requirement's contained in the Zoning Bylaws with no significant massing effect which could impact abutting properties.**

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>]

**The building will be designed to meet a number of the LEED performance objectives.**

**The building will be designed to comply with the Green Building Certification System standards prepared for the U.S. General Services Administration with respect to the guiding principles for new construction and major renovation as follows:**

### **1. Robustness-Integrated Principals**

**The Building has been sited on the lot in such a manner as to add to the open space on the lot. There will be no generation of greenhouse gas emanating from the site whether during the construction phase or thereafter.**

### **2. Energy**

**The Building has also been designed with energy efficiency in mind with respect to the physical characteristics of the building itself and with respect to the interior property and equipment such as stoves, sinks, refrigerators, etc. at the property.**

### 3. Water

**A storm water management plan is being worked on and generated with the engineering department and the Building Inspection and Department for the Town.**

### 4. Resources/Materials

**Proper waste disposal is being provided for with respect to the Applicant's plans and no ozone depleting compound will be used at the property.**

### 5. Indoor Environment

**Adequate lighting controls are also provided for with respect to the Applicant's plans so that there is no adverse impact with regard to neighboring properties as a result of any lighting emanating from the property.**

**Adequate steps will also be taken to protect indoor air quality during the construction phase and only low emitting materials will be used during the construction phase at the property.**

**All as shown on exhibit A affixed to this response and incorporated into its terms by reference**

In addition, projects subject to Environmental Design Review must address and meet the following Special Permit Criteria (see Section 3.3.3 of the Zoning Bylaw)

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 is so listed.**

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

**It has been apparent for many years that the Town and its inhabitants and potential inhabitants would benefit from mixed use development in the Town.**

**The Applicant's plans provide for a mixed use development and also provide additional residential living space in the Town and at the same time provides four (4) affordable housing residential units for families and individuals of lower economic means to have an opportunity to live in the Town.**

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

**While the existing use of the property is an automobile garage and repair shop the new use will generate less traffic to and from the property and adequate steps have been taken to provide for pedestrian safety in accordance with Applicant's plan.**

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. |

**There will be no overload of 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 general welfare.**

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

**This requirement is satisfied with respect to the Applicant's plans.**

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.

**Far from impairing the integrity and character of the district or adjoining districts, the Applicant's plans will decidedly improve the integrity or character of the district or adjoining district as a result of the building to be constructed at the site replacing the existing garage building.**

**The Applicant's plans will not be detrimental to the health, morals or welfare.**

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 not, by its addition to a neighborhood, cause an excess of the particular use that could be detrimental to the character of said neighborhood. As stated previously, the requested use will be an improvement to the neighborhood generating less traffic in an area in the Town which has historically been used for automotive repair purposes. The residential use will be by far a decadently less intensive use the neighborhood.**

## **STATEMENT OF THE APPLICANT**

Applicant proposes to construct a mixed use development at the real estate property located at 10 Sunnyside Avenue, Arlington, Massachusetts. Said real estate presently consisting of an automobile repair garage business operation with the applicant proposes a missed use development at the site consisting of twenty-six (26) residential units and one (1) retail unit.

The residential unit breakdown would be 4 one bedroom units, 18 two bedroom units and 4 three bedroom units.

The one bedroom units would range in square feet from 632 square feet to 716 square feet. The two bedroom units from 839 square feet to 1,322 square feet and the three bedroom units from 1,125 square feet to 1,245 square feet all as shown on certain plans of RCA, LLC, 415 Neponset Avenue, Dorchester, MA 02122. Said plans dated August 17, 2018. Said plans shown on Plan 1 and Plans A1 through A10, all of which have been submitted with the applicant's building plans.

The one unit of retail space would contain approximately 2,461 square feet.

Parking would be provided both at ground level and basement level parking. The ground level parking providing for nineteen (19) spaces and the basement level providing for twenty (20) spaces for a total of thirty-nine (39) parking spaces.

There are presently forty-two (42) parking spaces on the property.

The lot contains 16,500 square feet and has 150 feet of frontage on Sunnyside Avenue with the minimum zoning requirement being 50 feet.

The floor area ratio with respect to the property is .33 and the proposed floor area ratio would be 2.04 while zoning allows a maximum of 1.0.

The lot coverage presently is .94 and the proposed conditions would be .87 while zoning allows a maximum lot coverage of .40.

The existing front yard setback is 4.3 feet and the proposed front yard setback would be 15 feet.

The right yard setback is presently 7.9 feet and the proposed would be 15 feet. While the left side yard is one foot and the proposed would be 9 feet.

There is presently no rear yard setback and the proposed rear yard setback would be 9.6 feet while the zoning requirement would be a minimum of 16 feet.

The existing building currently is one story and the proposed number of stories would be four while zoning allows for a total of four stories.

The present usable open space is 11.111% and the proposed would be for 2.2%.

The landscaped open space would be 2.100.

There are presently 42 parking spaces at the site while the applicant proposed 39 parking spaces and zoning requires 47.8 parking spaces.

The parking area setbacks comply with the zoning requirement.

Bicycle parking has been provided in connection with the application as shown on Plan No. A1 with bicycle parking being provided within the interior of the building and outside of the proposed building.

The property is located in a B4 zone in accordance with the terms of the amended zoning bylaw section 5.5.1(E) B4: Vehicular oriented business district. The vehicular oriented business district provides for establishments that are primarily oriented to automotive traffic, which means they require large amounts of land in proportion to building coverage. This district also consists of establishments devoted to the sale or servicing of motor vehicles, the sale of vehicle parts and accessories, and service stations. Arlington has an abundance of automotive and automotive accessory sales and service establishments. As these businesses gradually close, the Town has encouraged conversion of the property to other retail, service, office or residential use, particularly as part of mixed-use development.

**TOWN OF ARLINGTON**

Dimensional and Parking Information  
for Application to  
The Arlington Redevelopment Board

Docket No. 3586

Property Location: 10 Sunnyside Avenue, Arlington, MA

Zoning District: B4

Owner: 10 Sunnyside Ave, LLC

Address: 10 Sunnyside Avenue, Arlington 02474

Present Use/Occupancy: No. of dwelling units:

Uses and their gross square feet:

Automobile garage

5,389 G.S.F.

Proposed Use/Occupancy: No. of dwelling units:

Uses and their gross square feet:

26 residential units/1 retail space

33,702 G.S.F.

	Present Conditions	Proposed Conditions	Min. or max Required by Zoning
Lot size (sq. ft.)	16,500 sq. ft.	16,500 sq. ft.	0 min.
Frontage (ft.)	150'	150'	50' min.
Floor area ratio	.33	2.04	1.0 max.
Lot Coverage (%)	.94%	.87%	.40% max
Lot Area per Dwelling Unit (Sq. ft.)	N/A	635	700 min.
Front Yard Depth (ft.)	4.3'	15'	0 min.
Side Yard Depth (ft.) right side	70.9'	15'	0 min.
left side	1.0'	9.0'	0 min.
Rear Side Yard Depth (ft.)	0	9.6'	16' min.
Height (stories)	1	4	4 max.
Height (ft.)	16'/20'±	50'	50' max.
Open Space (% of GFA)	.018 (300 sq. ft.)	.26	min.
Landscaped (square feet)	978	2,100	1650 (10%)
Usable (square feet)	11,111	42,28	3300 (20%)
Parking Spaces (number)	42	39	47.8 min.
Parking area setbacks	0/3'	3'	3' min.
Loading Spaces (if applicable)	0	0	1 min.
Type of construction			
Distance to Nearest Building	24'±/93'±	33'-6"/36'-2"	10' min.

### OPEN SPACE/GROSS FLOOR AREA

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

Address: 10 Sunnyside Avenue, Arlington, MA Zoning District: B4

<u>OPEN SPACE</u>	<u>EXISTING</u>	<u>PROPOSED</u>
Total lot area	16,500 sq. ft.	16,500 sq. ft.
Open Space (Usable)*	11,111 sq. ft.	4,228 sq. ft.
Open Space (Landscaped)	978 sq. ft.	2,100 sq. ft.

\*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.

<u>GROSS FLOOR AREA (GFA)</u>		
Accessory building	n/a	n/a
Basement or cellar (>5' excluding mechanical area)	n/a	n/a
1 <sup>st</sup> Floor	5,445± sq. ft./0.33 FAR	5,321 sq. ft.
2 <sup>nd</sup> Floor	n/a	10,131 sq. ft.
3 <sup>rd</sup> Floor	n/a	9,125
4 <sup>th</sup> Floor	n/a	9,125
5 <sup>th</sup> Floor	n/a	n/a
Attic (>7'3" in height, excluding elevator, mechanical)	n/a	n/a
Parking garages (except as used for accessory Parking garages or off street loading purposes)	42	39
All weather habitable porches and balconies	n/a	2,128. sq. ft.
<b>Total Gross Floor Area (GFA)</b>	<b>5,445± sq. ft./0.33 FAR</b>	<b>35,830± sq. ft./2.17 FAR</b>

### REQUIRED MINIMUM OPEN SPACE AREA

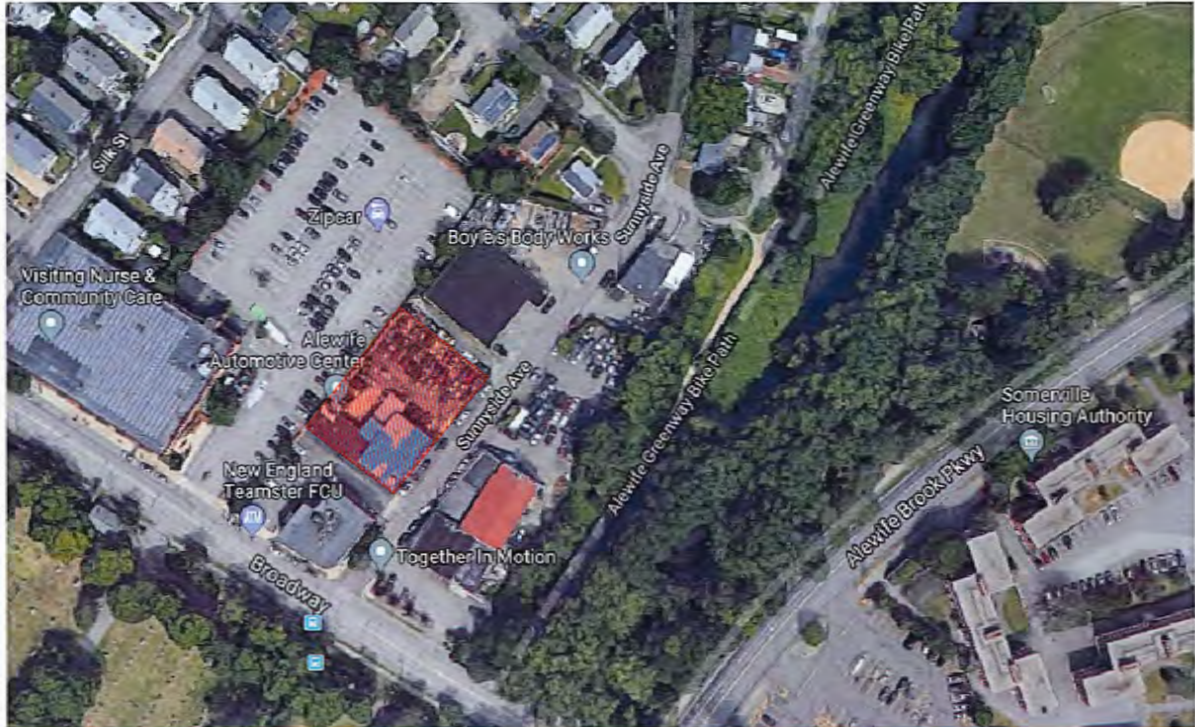
Proposed Usable Open Space Percent of GFA                      11,111 sq. ft.                      4,228 sq. ft.

Proposed Landscaped Open Space Percent of GFA                      978 sq. ft.                      2,100 sq. ft.

This worksheet applies to plans dated August 17, 2018 designed by RCA, LLC

Reviewed by Inspectional Services Michael Byrne Date: October 30, 2018





10 SUNNYSIDE AVENUE  
ARLINGTON, MA  
ZONING REVIEW

ITEM	
ZONING DISTRICT	ARTICLE 6 / B-4
EXISTING USE	AUTOMOTIVE GARAGE
PROPOSED USE	26 RESIDENTIAL UNITS & 1 RETAIL SPACE
LOT SIZE	16,500 S.F.

DIMENSIONAL REGULATIONS  
TABLE 5-26

ITEM	REQUIRED	PROPOSED
MIN. LOT SIZE	NONE	16,500 S.F.
MIN. LOT AREA PER UNIT	700 S.F. X 26= 18,200 S.F.	16,500 S.F. ±
MIN. LOT FRONTAGE	50'	150'
MAX. FLOOR AREA RATIO	1.0	2.04 (33,702 S.F. ±)
MAX. ALLOWABLE STORIES	4	4
MAX. ALLOWABLE BUILDING HEIGHT	50'-0"	50'-0"
MIN. FRONT YARD	0'	13'-0" ± / 15'-0" ± / 17'-0" ±
MIN. SIDE YARD	0'	9'-0" ± / 15'-0" ± / 19'-0" ±
MIN. REAR YARD	16'	9'-6" ± / 13'-6" ±
MIN. LANDSCAPE AREA	10% (1,650 S.F.)	2,100 S.F. ±
OPEN SPACE	3' BUFFER	3' BUFFER

UNIT BEDROOM BREAKDOWN		
1 BEDROOM	4 UNITS	(632 SQ. FT. - 716 SQ. FT.)
2 BEDROOM	18 UNITS	(839 SQ. FT. - 1,322 SQ. FT.)
3 BEDROOM	4 UNIT	(1,125 SQ. FT. - 1,245 SQ. FT.)
TOTAL:	26 UNITS	

RETAIL SPACE	1 UNIT	(2,461 SQ. FT.)
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PARKING  
GROUND LEVEL GARAGE: 19 PARKING SPACES  
BASEMENT GARAGE: 20 PARKING SPACES  
TOTAL: 39 PARKING SPACES

\*\* 2 ACCESSIBLE PARKING SPACES PROVIDED

5.5 BUSINESS DISTRICTS:

5.5.1 (E) B4: VEHICULAR ORIENTED BUSINESS DISTRICT. THE VEHICULAR ORIENTED BUSINESS DISTRICT PROVIDES FOR ESTABLISHMENTS THAT ARE PRIMARILY ORIENTED TO AUTOMOTIVE TRAFFIC, WHICH MEANS THEY REQUIRE LARGE AMOUNTS OF LAND IN PROPORTION TO BUILDING COVERAGE. THIS DISTRICT ALSO CONSISTS OF ESTABLISHMENTS DEVOTED TO THE SALE OR SERVICING OF MOTOR VEHICLES, THE SALE OF VEHICULAR PARTS AND ACCESSORIES, AND SERVICE STATIONS. ARLINGTON HAS AN ABUNDANCE OF AUTOMOTIVE AND AUTOMOTIVE ACCESSORY SALES AND SERVICE ESTABLISHMENTS. AS THESE BUSINESSES GRADUALLY CLOSE, THE TOWN HAS ENCOURAGED CONVERSION OF THE PROPERTY TO OTHER RETAIL, SERVICE, OFFICE OR RESIDENTIAL USE, PARTICULARLY AS PART OF MIXED-USE DEVELOPMENT.



GENERAL NOTE:  
VERIFY AND CONFIRM ALL CONDITIONS AND/OR DIMENSIONS SHOWN PRIOR TO COMMENCING CONSTRUCTION OR ORDERING MATERIALS. NOTIFY ARCHITECT OF ANY INCONSISTENCIES FOR REVIEW AND APPROVAL BEFORE PROCEEDING WITH CONSTRUCTION.

**RCA, LLC**  
415 N. Main St.  
Dorchester, MA 02122  
Tel: 617-252-0010  
Fax: 617-252-1080  
www.rca-llc.com

10 Sunnyside Avenue  
Arlington, MA 02474

PROJECT #	18-084
DATE:	8-17-18
REV:	
SCALE:	NONE
DRAWN BY:	C.D.
CHECKED BY:	R.P.B.

AERIAL PHOTO & ZONING  
INFORMATION



I CERTIFY THAT THIS PLAN WAS MADE FROM AN INSTRUMENT SURVEY ON THE GROUND ON THE DATE OF APRIL 11, 2018 AND ALL STRUCTURES ARE LOCATED AS SHOWN HEREON.

ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) MAPS, THE MAJOR IMPROVEMENTS ON THIS PROPERTY FALL IN AN AREA DESIGNATED AS:  
ZONE: X  
COMMUNITY PANEL: 25017C0417E  
EFFECTIVE DATE: 06-04-2010

REFERENCES:  
OWNER OF RECORD:  
10 SUNNYSIDE AVENUE LLC  
10 SUNNYSIDE AVENUE  
ARLINGTON, MA 02474

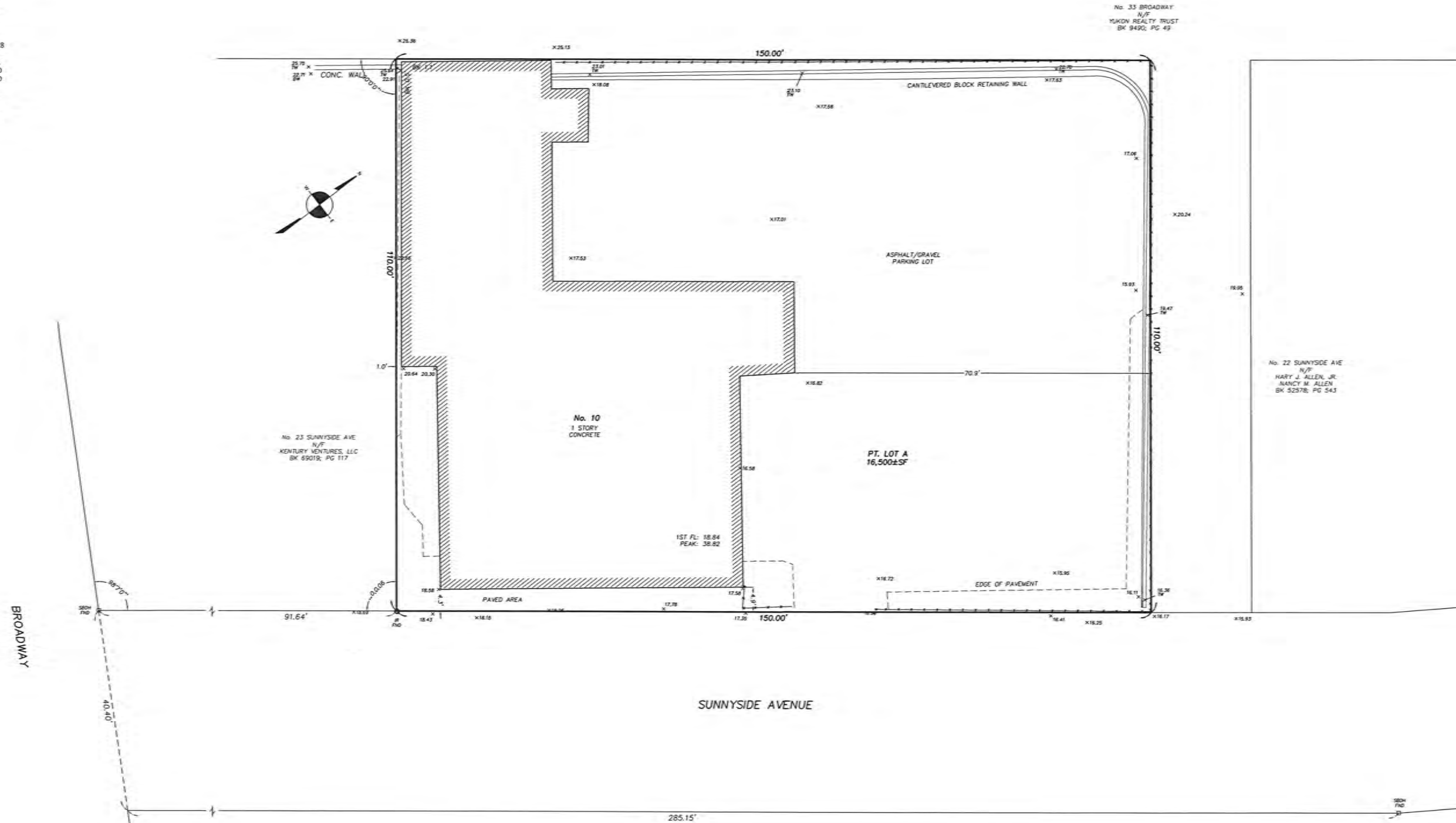
DEED: BK 67225; PG 528  
PLAN: #1068 OF 1948  
BK 2637; PG 301  
BK 3202; PG END  
BK 4563; PG END  
#2 OF 1940  
#1177 OF 1946  
#415 OF 1947  
#354 OF 1954  
#723 OF 1955  
LCC: 2392-B  
2392-D

NOTES:  
PARCEL ID: 33-2-2.8

# SITE PLAN OF LAND LOCATED AT 10 SUNNYSIDE AVENUE ARLINGTON, MA

DATE: JUNE 15, 2018 SCALE: 1.0 INCH = 10.0 FEET

BOSTON  
SURVEY, INC.  
UNIT C-4 SHIPWAY PLACE  
CHARLESTOWN, MA 02129  
(617) 242-1313

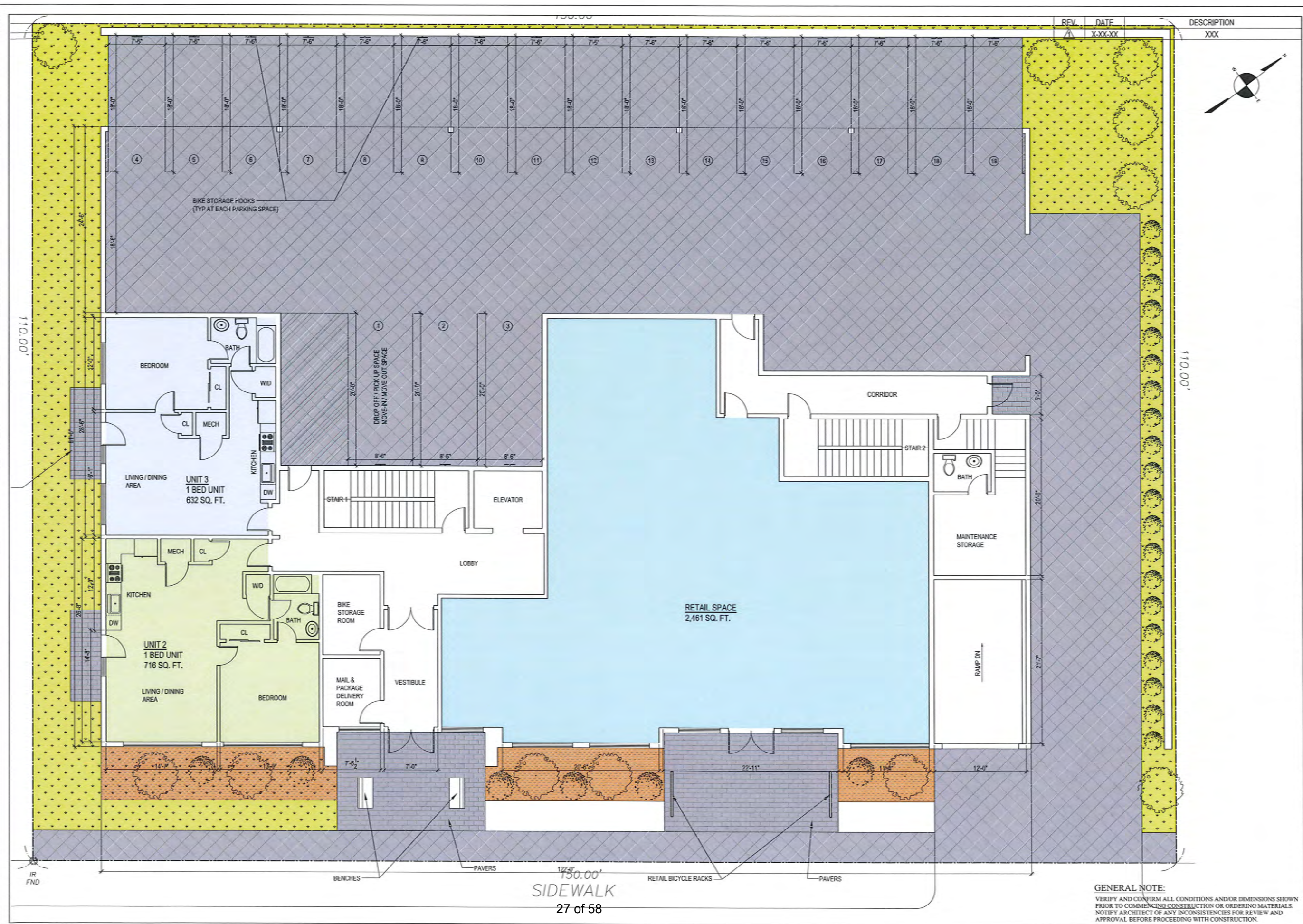


SCALE: 1.0 INCH = 10.0 FEET  
0 10 20 30

FIELD: MO  
DRAFT: RAP  
CHECK: GCC  
DATE: 06/15/18  
JOB #: 18-00225





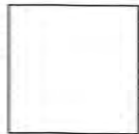


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<b>RCA, LLC</b> <small>413 Newport Ave.   www.rca-llc.com          Duxbury, Massachusetts 01922          Telephone: 617-282-0099          Fax: 617-282-1080</small>	<b>PROJECT #</b> 18-084
	<b>DATE:</b> 8-17-18 <b>REV:</b> <b>SCALE:</b> 3/16" = 1'-0"
<b>10 Sunnyside Avenue</b> <b>Arlington, MA 02474</b>	<b>DRAWN BY:</b> C.D. <b>CHECKED BY:</b> R.P.B.
<b>PROPOSED FLOOR PLAN</b>	
<b>A1</b>	



REV.	DATE	DESCRIPTION
1	X-XX-XX	XXX





RCA, LLC

417 Nipmuck Ave.  
Dorchester, MA 02122

Tel: 617-292-0000  
Fax: 617-292-1111

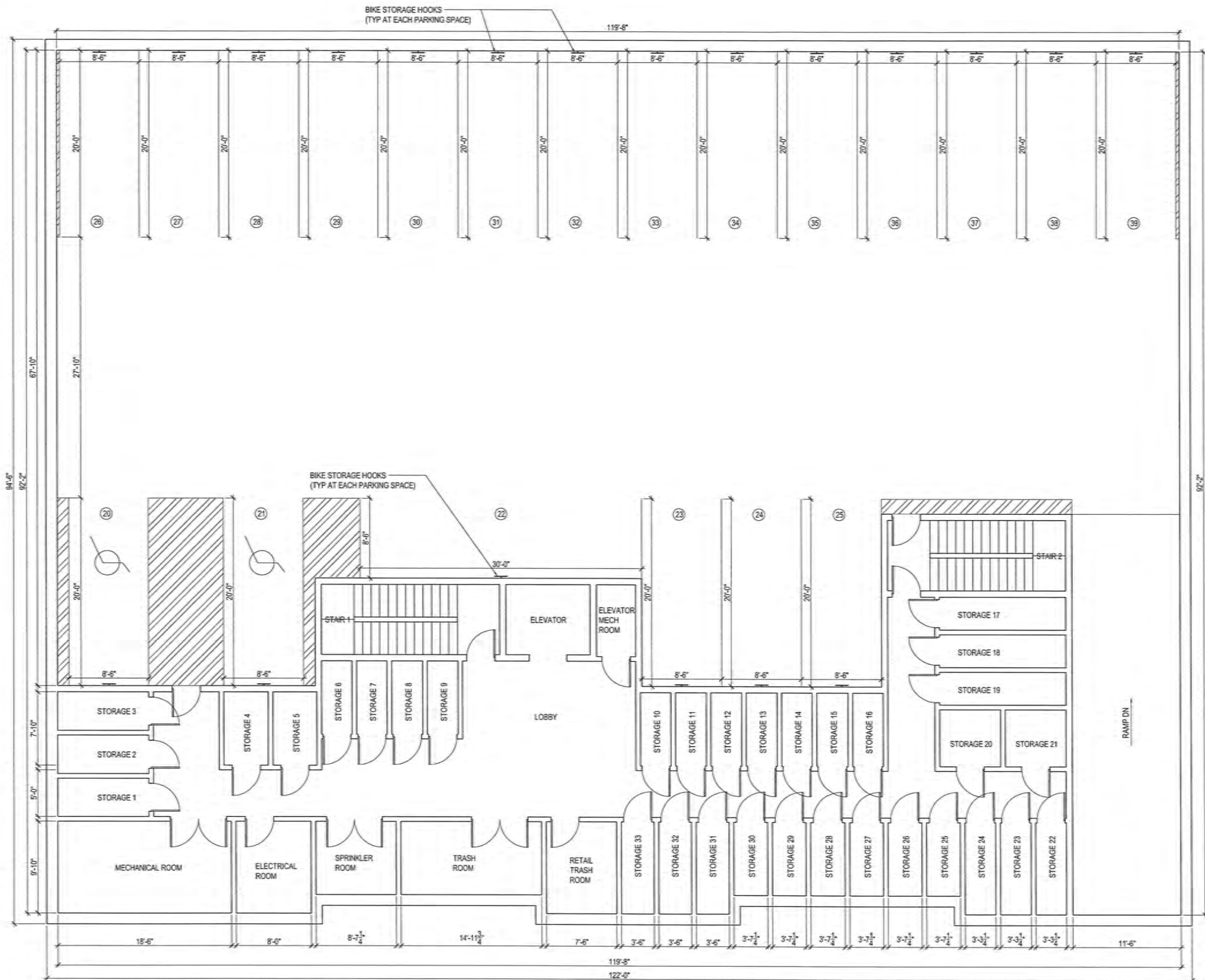
10 Sunnyside Avenue

Arlington, MA 02474

PROJECT #	18-084
DATE:	8-17-18
REV:	
SCALE:	3/16" = 1'-0"
DRAWN BY:	C.D.
CHECKED BY:	R.P.B.

PROPOSED FLOOR PLAN

A2



BASEMENT PLAN

UNIT BEDROOM BREAKDOWN		
1 BEDROOM	4 UNITS	(632 SQ. FT. - 716 SQ. FT.)
2 BEDROOM	18 UNITS	(839 SQ. FT. - 1,322 SQ. FT.)
3 BEDROOM	4 UNIT	(1,125 SQ. FT. - 1,245 SQ. FT.)
TOTAL:	26 UNITS	

RETAIL SPACE	1 UNIT	(2,461 SQ. FT.)
--------------	--------	-----------------

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SECOND FLOOR PLAN

REV.	DATE	DESCRIPTION
1	X-XX-XX	XXX

**RCA, LLC**  
 415 Newport Ave.  
 Dedham, Massachusetts 02122  
 Telephone: 617-282-8819  
 Fax: 617-282-1080  
 www.rca-llc.com

10 Sunnyside Avenue  
 Arlington, MA 02474

PROJECT #  
18-084  
 DATE: 8-17-18  
 REV:  
 SCALE:  
3/16" = 1'-0"  
 DRAWN BY:  
C.D.  
 CHECKED BY:  
R.P.B.

PROPOSED FLOOR PLAN

UNIT BEDROOM BREAKDOWN		
1 BEDROOM	4 UNITS	(632 SQ. FT. - 716 SQ. FT.)
2 BEDROOM	18 UNITS	(839 SQ. FT. - 1,322 SQ. FT.)
3 BEDROOM	4 UNIT	(1,125 SQ. FT. - 1,245 SQ. FT.)
TOTAL:	26 UNITS	

RETAIL SPACE	1 UNIT	(2,461 SQ. FT.)
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 APPROVAL BEFORE PROCEEDING WITH CONSTRUCTION.





THIRD FLOOR PLAN

REV.	DATE	DESCRIPTION
1	X-XX-XX	XXX

UNIT BEDROOM BREAKDOWN		
1 BEDROOM	4 UNITS	(632 SQ. FT. - 716 SQ. FT.)
2 BEDROOM	18 UNITS	(839 SQ. FT. - 1,322 SQ. FT.)
3 BEDROOM	4 UNIT	(1,125 SQ. FT. - 1,245 SQ. FT.)
TOTAL:	26 UNITS	

**GENERAL NOTE:**  
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**RCA, LLC**  
 413 Newport Ave.  
 Dorchester, Massachusetts 02122  
 Telephone: 617-282-0009  
 Fax: 617-282-1080  
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10 Sunnyside Avenue  
 Arlington, MA 02474

PROJECT #  
18-084

DATE: 8-17-18  
REV:

SCALE:  
3/16" = 1'-0"

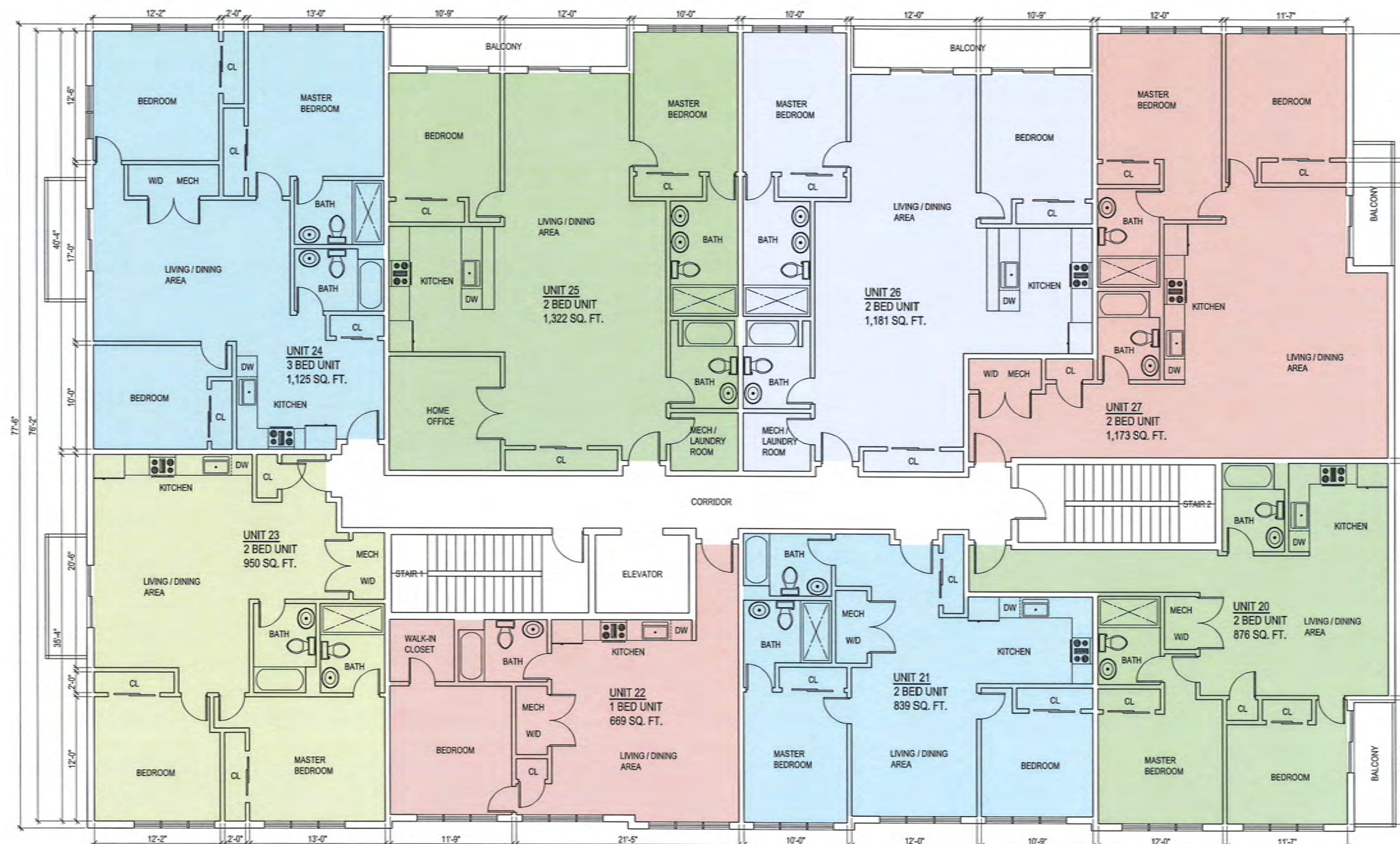
DRAWN BY:  
C.D.

CHECKED BY:  
R.P.B.

PROPOSED FLOOR PLAN

A4





FOURTH FLOOR PLAN

UNIT BEDROOM BREAKDOWN		
1 BEDROOM	4 UNITS	(632 SQ. FT. - 716 SQ. FT.)
2 BEDROOM	18 UNITS	(839 SQ. FT. - 1,322 SQ. FT.)
3 BEDROOM	4 UNIT	(1,125 SQ. FT. - 1,245 SQ. FT.)
TOTAL:	26 UNITS	

GENERAL NOTE:  
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PRIOR TO COMMENCING CONSTRUCTION OR ORDERING MATERIALS.  
NOTIFY ARCHITECT OF ANY INCONSISTENCIES FOR REVIEW AND  
APPROVAL BEFORE PROCEEDING WITH CONSTRUCTION.

REV.	DATE	DESCRIPTION
1	X-XX-XX	XXX

**RCA, LLC**

415 Nagsway Ave.  
Dorchester, Massachusetts 02122  
Telephone: 617-282-0500  
Fax: 617-282-1080

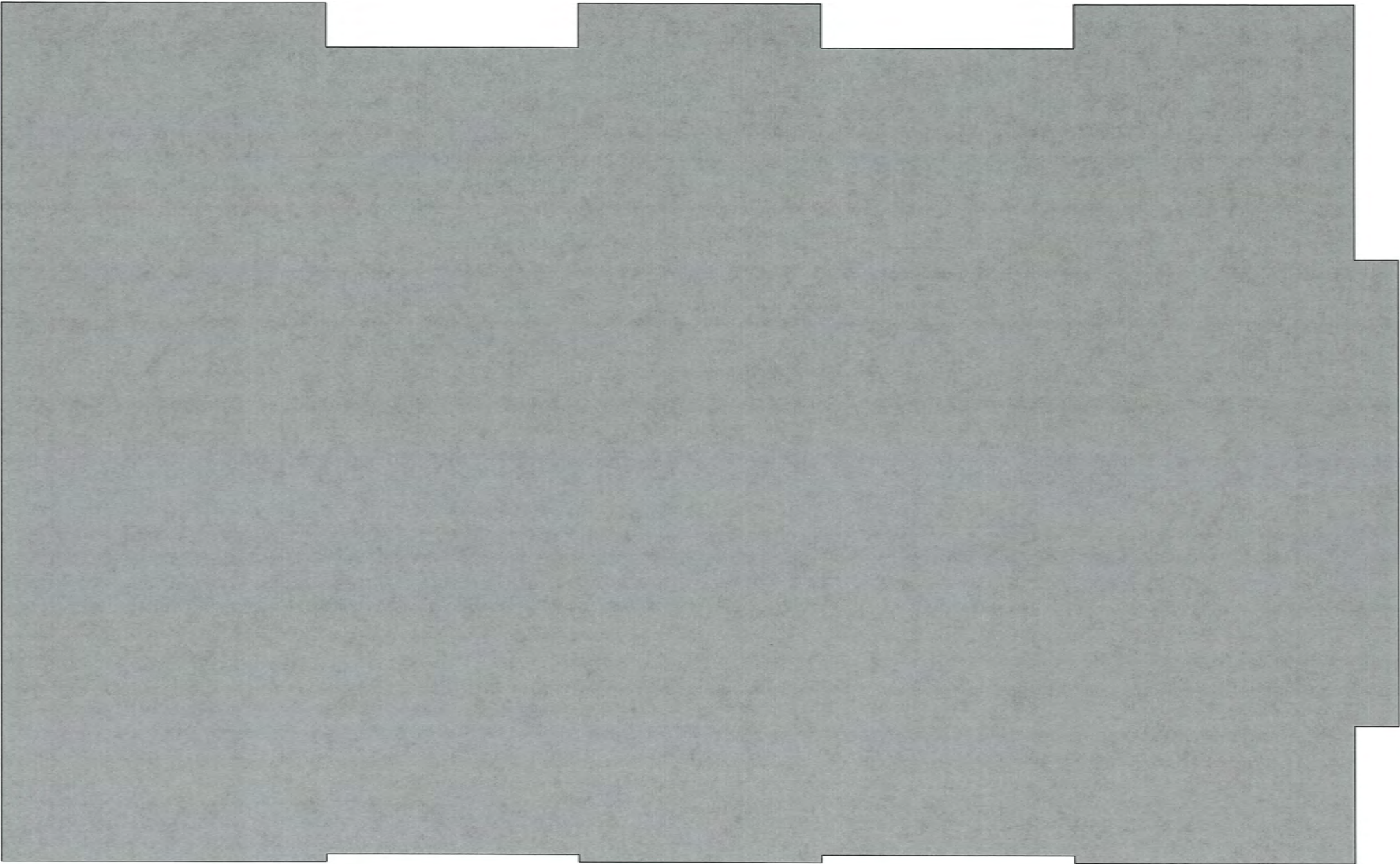
10 Sunnyside Avenue  
Arlington, MA 02474

PROJECT #  
18-084  
DATE: 8-17-18  
REV:  
SCALE:  
3/16" = 1'-0"  
DRAWN BY:  
C.D.  
CHECKED BY:  
R.P.B.

PROPOSED FLOOR PLAN

A5





REV.	DATE	DESCRIPTION
1	X-XX-XX	XXX



415 Newport Ave. www.rca-cda.com  
Dorchester, Massachusetts 02122  
Telephone: 617-282-0019  
Fax: 617-282-1080

10 Sunnyside Avenue  
Arlington, MA 02474

PROJECT #
18-084
DATE: 8-17-18
REV:
SCALE:
3/16" = 1'-0"
DRAWN BY:
C.D.
CHECKED BY:
R.P.B.

PROPOSED ROOF PLAN

UNIT BEDROOM BREAKDOWN		
1 BEDROOM	4 UNITS	(632 SQ. FT. - 716 SQ. FT.)
2 BEDROOM	18 UNITS	(839 SQ. FT. - 1,322 SQ. FT.)
3 BEDROOM	4 UNIT	(1,125 SQ. FT. - 1,245 SQ. FT.)
TOTAL:	26 UNITS	

GENERAL NOTE:  
VERIFY AND CONFIRM ALL CONDITIONS AND/OR DIMENSIONS SHOWN  
PRIOR TO COMMENCING CONSTRUCTION OR ORDERING MATERIALS.  
NOTIFY ARCHITECT OF ANY INCONSISTENCIES FOR REVIEW AND  
APPROVAL BEFORE PROCEEDING WITH CONSTRUCTION.

ROOF PLAN



REV.	DATE	DESCRIPTION
1	X-XX-XX	XXX



GENERAL NOTE:  
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**RCA, LLC**  
 413 Newport Ave.  
 Duxbury, Massachusetts 01922  
 Telephone: 617.282.0019  
 Fax: 617.282.1080  
 www.rca-danforth.com

10 Sunnyside Avenue  
 Arlington, MA 02474

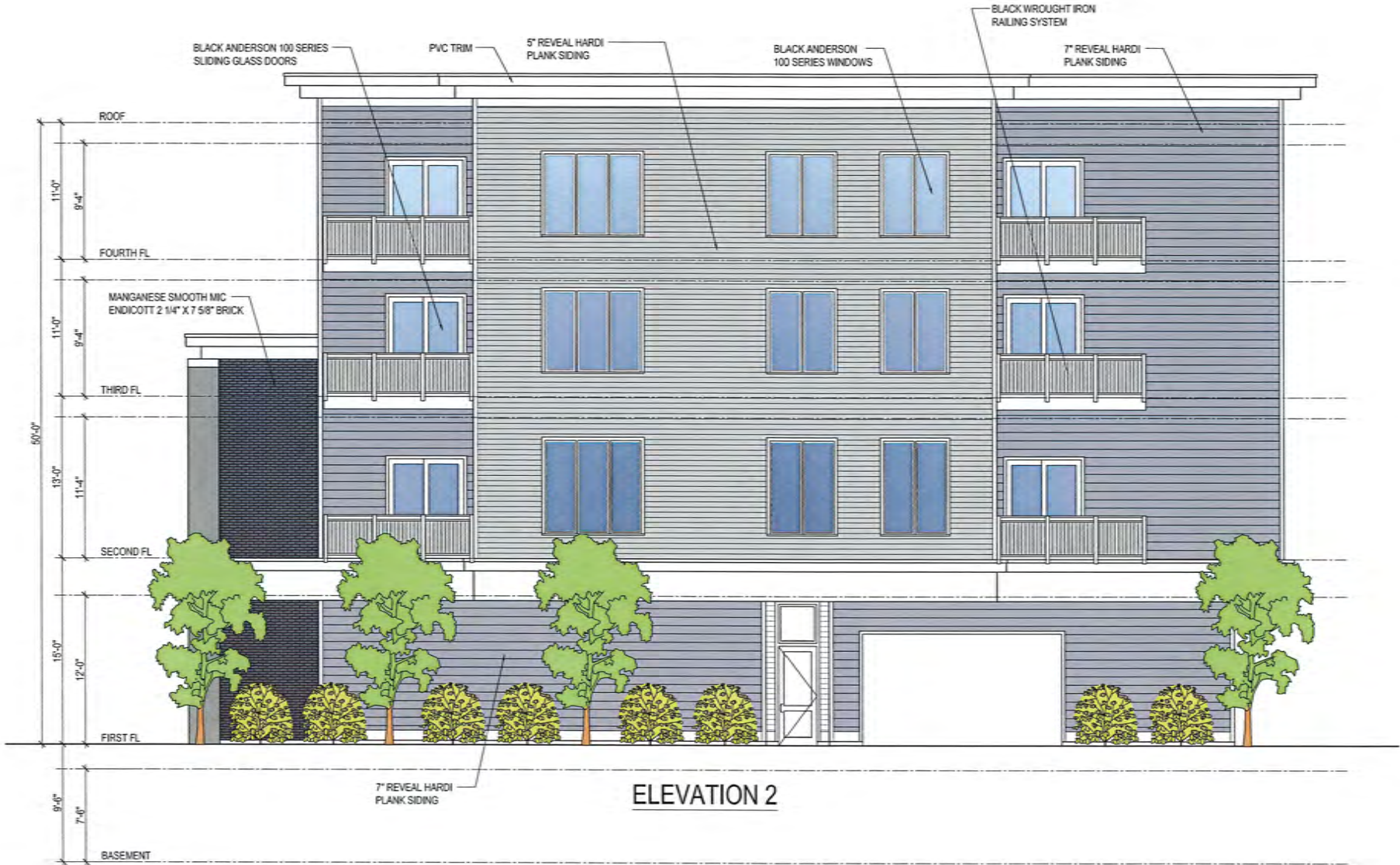
PROJECT #  
 18-084  
 DATE: 8-17-18  
 REV:  
 SCALE:  
 3/16" = 1'-0"  
 DRAWN BY:  
 C.D.  
 CHECKED BY:  
 R.P.B.

PROPOSED ELEVATION

A7



REV.	DATE	DESCRIPTION
1	X-XX-XX	XXX



ELEVATION 2

GENERAL NOTE:  
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RCA, LLC

415 Newport Ave.  
Dorchester, Massachusetts 02122

Telephone: 617-282-0039  
Fax: 617-282-1080

10 Sunnyside Avenue  
Arlington, MA 02474

PROJECT #
18-084
DATE: 8-17-18
REV:
SCALE:
3/16" = 1'-0"
DRAWN BY:
C.D.
CHECKED BY:
R.P.B.

PROPOSED ELEVATION

A8



REV.	DATE	DESCRIPTION
1	X-XX-XX	XXX



ELEVATION 3

GENERAL NOTE:  
VERIFY AND CONFIRM ALL CONDITIONS AND/OR DIMENSIONS SHOWN  
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NOTIFY ARCHITECT OF ANY INCONSISTENCIES FOR REVIEW AND  
APPROVAL BEFORE PROCEEDING WITH CONSTRUCTION.



**RCA, LLC**  
Telephone: 617-282-0010  
Fax: 617-282-1080  
415 Neponset Ave.  
Dorchester, Massachusetts 02122  
www.rcaarchitects.com

10 Sunnyside Avenue  
Arlington, MA 02474

PROJECT #
18-084
DATE: 8-17-18
REV:
SCALE:
3/16" = 1'-0"
DRAWN BY:
C.D.
CHECKED BY:
R.P.B.

PROPOSED ELEVATION

A9



REV.	DATE	DESCRIPTION
1	X-XX-XX	XXX



ELEVATION 4

GENERAL NOTE:  
VERIFY AND CONFIRM ALL CONDITIONS AND/OR DIMENSIONS SHOWN  
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APPROVAL BEFORE PROCEEDING WITH CONSTRUCTION.

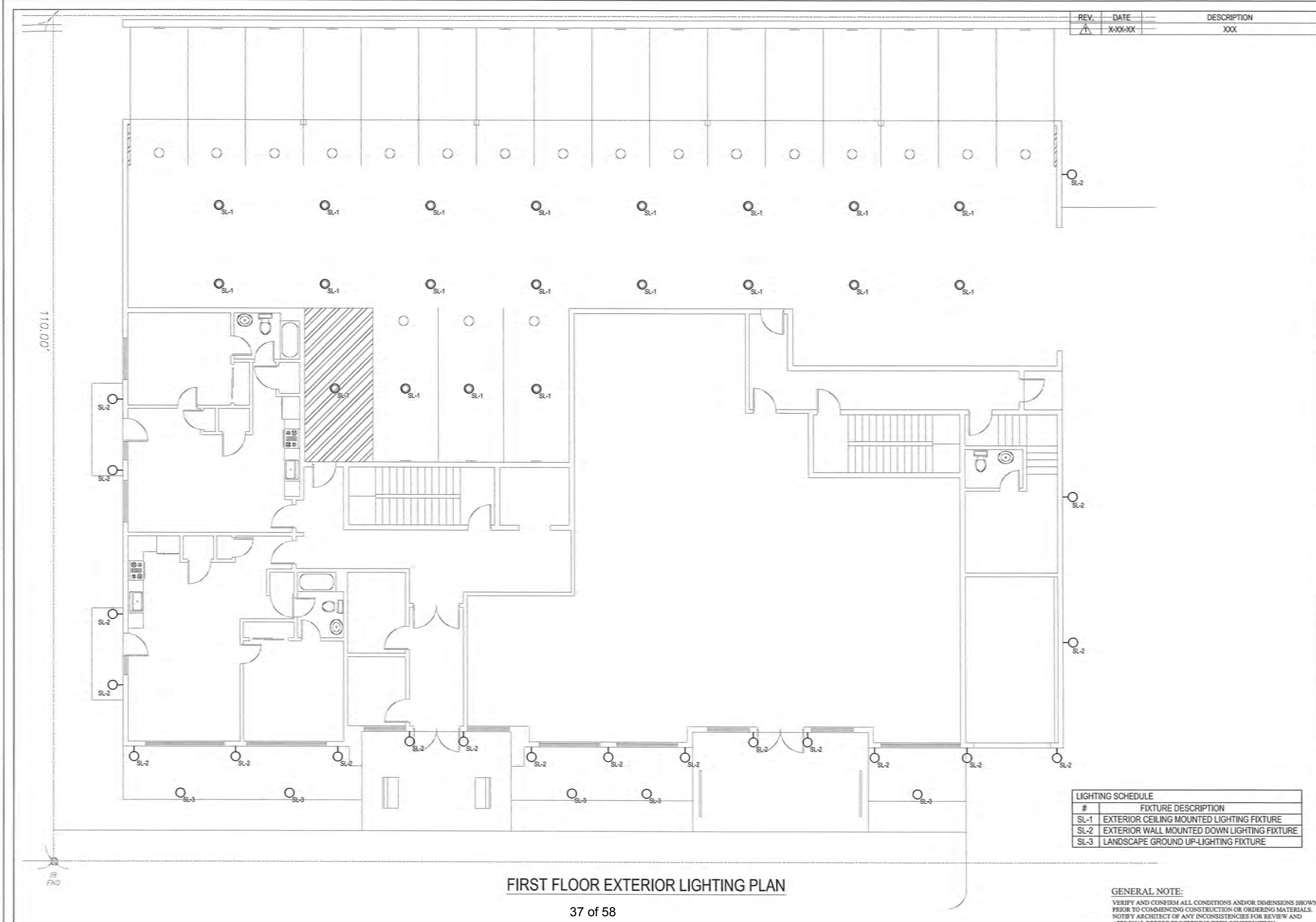
**RCA, LLC**  
413 Newport Ave. www.rcaarchitect.com  
Dorchester, Massachusetts 02122  
Telephone: 617-282-0099  
Fax: 617-282-1080

10 Sunnyside Avenue  
Arlington, MA 02474

PROJECT #
18-084
DATE: 8-17-18
REV:
SCALE:
3/16" = 1'-0"
DRAWN BY:
C.D.
CHECKED BY:
R.P.B.

PROPOSED ELEVATION

A10



REV.	DATE	DESCRIPTION
1	X-XX-XX	XXX

#	FIXTURE DESCRIPTION
SL-1	EXTERIOR CEILING MOUNTED LIGHTING FIXTURE
SL-2	EXTERIOR WALL MOUNTED DOWN LIGHTING FIXTURE
SL-3	LANDSCAPE GROUND UP-LIGHTING FIXTURE

GENERAL NOTE:  
VERIFY AND CONFIRM ALL CONDITIONS AND/OR DIMENSIONS SHOWN  
PRIOR TO COMMENCING CONSTRUCTION OR ORDERING MATERIALS.  
NOTIFY ARCHITECT OF ANY INCONSISTENCIES FOR REVIEW AND  
APPROVAL BEFORE PROCEEDING WITH CONSTRUCTION.

**RCA, LLC**  
413 Noyes Ave  
Dorchester, Massachusetts 02122  
Telephone: 617-282-0010  
www.rca-electrical.com  
Fax: 617-282-1080

10 Sunnyside Avenue  
Arlington, MA 02474

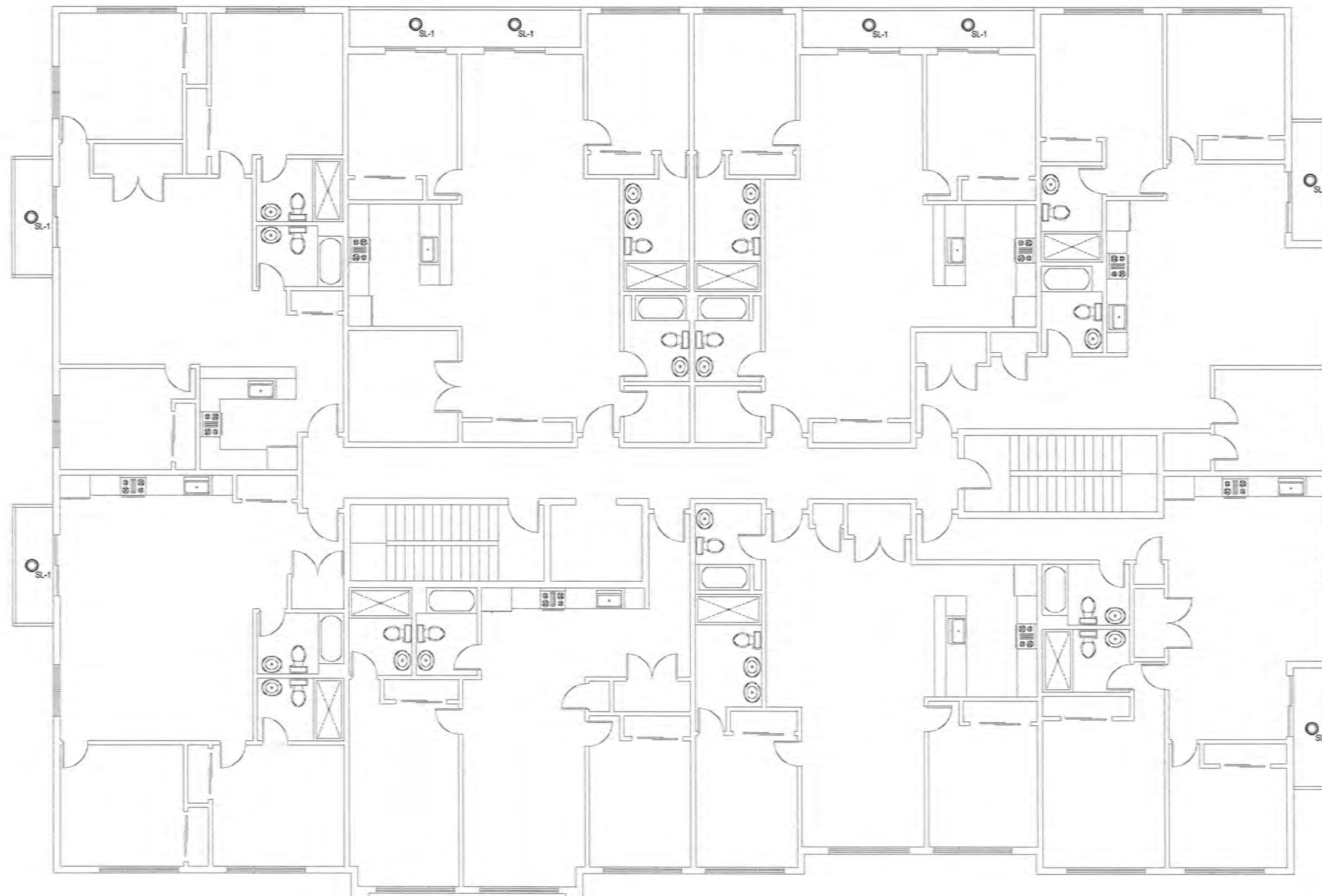
PROJECT #	18-084
DATE:	8-17-18
REV:	
SCALE:	3/16" = 1'-0"
DRAWN BY:	C.D.
CHECKED BY:	R.P.B.

PROPOSED EXTERIOR  
LIGHTING PLAN

EL1

FIRST FLOOR EXTERIOR LIGHTING PLAN





SECOND FLOOR EXTERIOR LIGHTING PLAN

REV.	DATE	DESCRIPTION
1	X-XX-XX	XXX

LIGHTING SCHEDULE	
#	FIXTURE DESCRIPTION
SL-1	EXTERIOR CEILING MOUNTED LIGHTING FIXTURE
SL-2	EXTERIOR WALL MOUNTED DOWN LIGHTING FIXTURE
SL-3	LANDSCAPE GROUND UP-LIGHTING FIXTURE

GENERAL NOTE:  
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 APPROVAL BEFORE PROCEEDING WITH CONSTRUCTION.

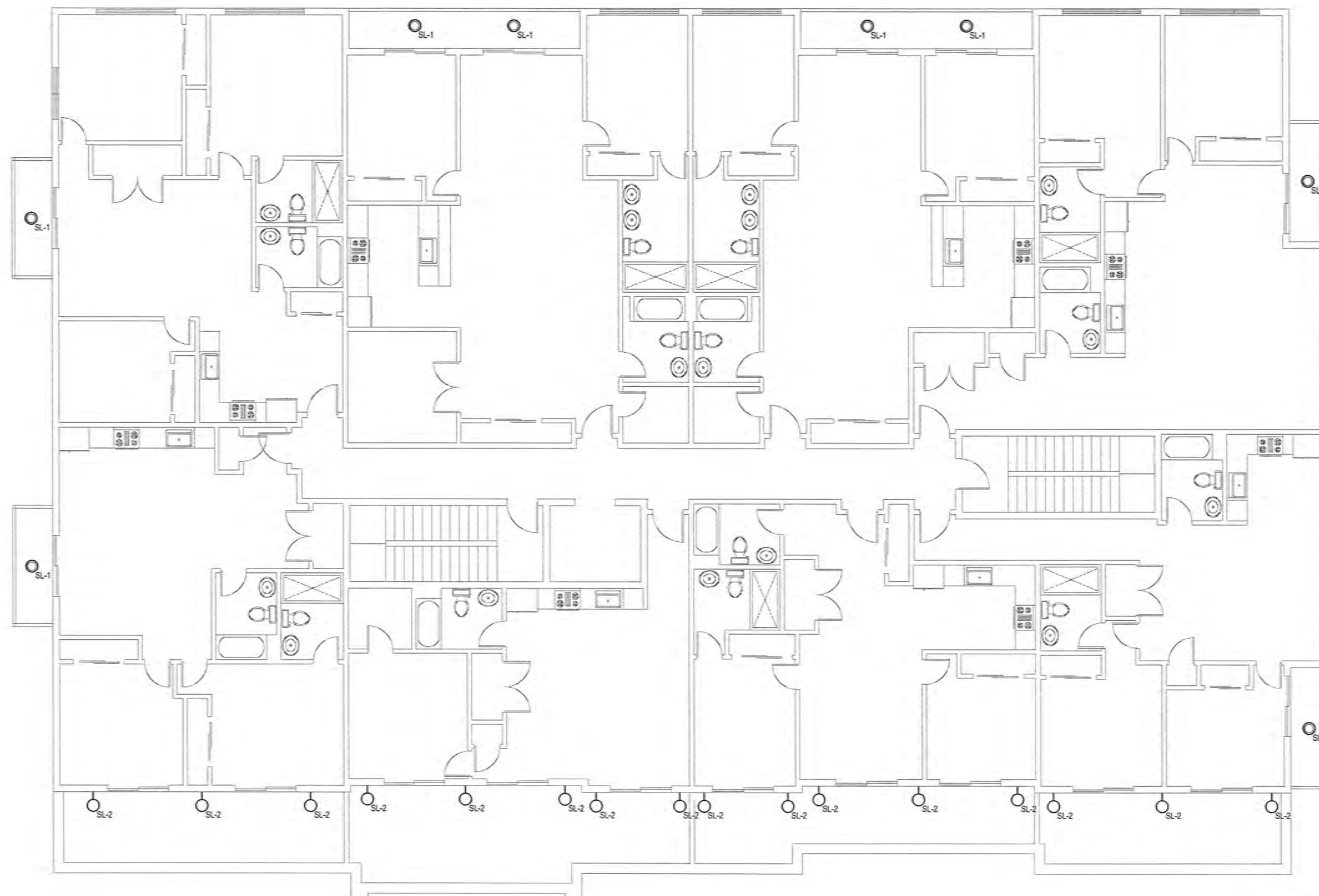
**RCA, LLC**  
 415 Newport Ave. www.rcaelectrical.com  
 Duxbury, Massachusetts 01922  
 Telephone: 617-282-0808  
 Fax: 617-282-1080

10 Sunnyside Avenue  
 Arlington, MA 02474

PROJECT #  
 18-084  
 DATE: 8-17-18  
 REV:  
 SCALE:  
 3/16" = 1'-0"  
 DRAWN BY:  
 C.D.  
 CHECKED BY:  
 R.P.B.

PROPOSED EXTERIOR  
 LIGHTING PLAN

EL2



THIRD FLOOR EXTERIOR LIGHTING PLAN

REV.	DATE	DESCRIPTION
1	X-XX-XX	XXX

#	FIXTURE DESCRIPTION
SL-1	EXTERIOR CEILING MOUNTED LIGHTING FIXTURE
SL-2	EXTERIOR WALL MOUNTED DOWN LIGHTING FIXTURE
SL-3	LANDSCAPE GROUND UP-LIGHTING FIXTURE

GENERAL NOTE:  
 VERIFY AND CONFIRM ALL CONDITIONS AND/OR DIMENSIONS SHOWN  
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 APPROVAL BEFORE PROCEEDING WITH CONSTRUCTION.

**RCA, LLC**

413 Noyes Ave. www.rca-lighting.com  
 Dorchester, Massachusetts 02122  
 Telephone: 617-282-0090  
 Fax: 617-282-1080

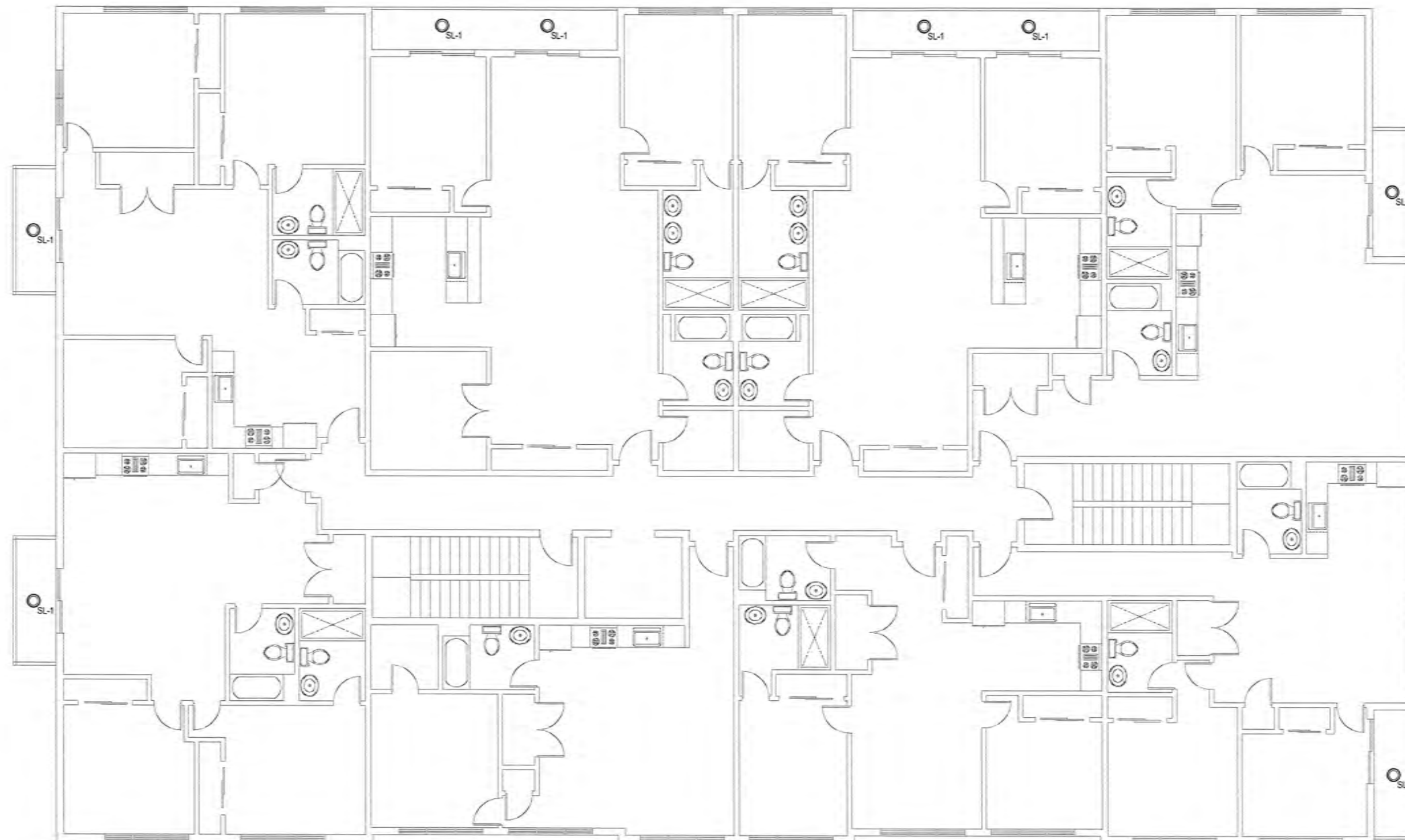
10 Sunnyside Avenue  
 Arlington, MA 02474

PROJECT #  
 18-084  
 DATE: 8-17-18  
 REV:  
 SCALE:  
 3/16" = 1'-0"  
 DRAWN BY:  
 C.D.  
 CHECKED BY:  
 R.P.B.

PROPOSED EXTERIOR  
 LIGHTING PLAN

EL3





REV.	DATE	DESCRIPTION
1	X-XX-XX	XXX

LIGHTING SCHEDULE	
#	FIXTURE DESCRIPTION
SL-1	EXTERIOR CEILING MOUNTED LIGHTING FIXTURE
SL-2	EXTERIOR WALL MOUNTED DOWN LIGHTING FIXTURE
SL-3	LANDSCAPE GROUND UP-LIGHTING FIXTURE

GENERAL NOTE:  
 VERIFY AND CONFIRM ALL CONDITIONS AND/OR DIMENSIONS SHOWN  
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 NOTIFY ARCHITECT OF ANY INCONSISTENCIES FOR REVIEW AND  
 APPROVAL BEFORE PROCEEDING WITH CONSTRUCTION.

# FOURTH FLOOR EXTERIOR LIGHTING PLAN

**RCA, LLC**

413 Newport Ave. www.rca-lighting.com  
 Dorchester, Massachusetts 02122  
 Telephone: 617-282-0010  
 Fax: 617-282-1080

10 Sunnyside Avenue  
 Arlington, MA 02474

PROJECT #  
 18-084  
 DATE: 8-17-18  
 REV:  
 SCALE:  
 3/16" = 1'-0"  
 DRAWN BY:  
 C.D.  
 CHECKED BY:  
 R.P.B.

PROPOSED EXTERIOR  
 LIGHTING PLAN

EL4





## Town of Arlington, Massachusetts

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### Draft Report to Special Town Meeting for Zoning Bylaw Amendment/ Medical and Recreational Marijuana Establishments

#### Summary:

8:30-8:50 p.m. • Board members will review report, comment, and vote.

#### ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	Agenda_Item_2_-_Final_Draft_ARB_Report_to_STM_12-2018.pdf	Final Draft ARB Report to STM 12-2018



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

**Report to:**  
**Special Town Meeting, Wednesday, December 5, 2018**

Voted as amended on Monday, November 19, 2018

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**Andrew Bunnell, Chair, (Term through 1/31/2020)**  
**Andrew West, Vice Chair, (Term through 6/30/2020)**  
**Eugene Benson (Term through 1/31/2020)**  
**Kin Lau (Term through 1/31/2019)**  
**David Watson (Term through 9/22/2023)**

Jennifer Raitt, Secretary Ex-Officio

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## **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.

When any warrant article that proposes to amend the "Town of Arlington Zoning Bylaw" is put to a vote before Town Meeting, the ARB is required to issue a report with recommendations to Town Meeting. Appearing below is a warrant article that proposes an amendment to the Zoning Bylaw. The intent of the article is briefly explained, followed by the ARB's vote which constitutes its recommendation to Town Meeting. The recommendations of the ARB, and not the original warrant articles, are the actual motions that will be considered by the Town Meeting. Changes to the Zoning Bylaw text are shown beneath the recommended vote. Additions to the original Zoning Bylaw text appear as underlined text, while any deletions to the original Zoning Bylaw text appear as ~~strike through~~ text.

The ARB advertisement for Special Town Meeting (STM) appeared in the *Arlington Advocate* on October 18, 2018 and October 25, 2018. The Public Hearing was opened on Monday, November 5, 2018 and continued to November 7. At the November 7<sup>th</sup> meeting, the ARB voted unanimously on the recommended bylaw language for STM as shown below. This report as amended was unanimously approved at the November 19<sup>th</sup> ARB meeting.

## **Special Town Meeting, Warrant Article 2**

### **ARTICLE 2**

### **ZONING BYLAW AMENDMENT/ MEDICAL AND RECREATIONAL MARIJUANA ESTABLISHMENTS**

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 by the Redevelopment Board)



### **Discussion:**

STM Warrant Article 2 is an amendment to the Zoning Bylaw to include the definitions, use, and appropriate requirements for recreational marijuana establishments prior to the end of the moratorium on December 31, 2018. The Article also addresses medical marijuana treatment centers to address inconsistencies with state regulations in the Zoning Bylaw.

The Town of Arlington convened a Marijuana Study Committee comprised of town officials, including the Town Manager, the Director of Planning and Community Development, the Director of Health and Human Services, the Director of Inspectional Services, the Police Chief, Town Counsel, the chair of the Select Board, and the chair of the Redevelopment Board, as well as five residents. The Public Health Director and a Police Captain also participated in the meetings. The Marijuana Study Committee met twice on October 10 and October 17, 2018, and will continue to meet as necessary.

The Study Committee reviewed how other Massachusetts municipalities zoned for adult-use recreational marijuana establishments. In general, other communities across the Commonwealth were applying consistent elements in the wide variety of regulations. Those elements include creating new use categories for marijuana establishments ranging from retailers to product manufacturers, requiring a special permit for such uses, adopting the 500-foot buffer from public and private schools serving students in grades kindergarten through twelve, establishing a cap on the number of retailers, applying density limitations to retailers, and considering applying a buffer to other land uses.

The amendments include a range of definitions to address the new adult-use recreational marijuana establishments. These establishments fall into three general categories: marijuana retailers, marijuana research and testing facilities, and marijuana production facilities. By comparing where similar non-marijuana uses are allowed, the new marijuana uses were allowed in B2A, B3, B4, and B5, as well as the Industrial District, with the exception of marijuana production facilities which are only allowed in the B4 zoning district and the Industrial District. The zoning districts where medical marijuana treatment centers (MMTC) are allowed, currently B3 and B5, were expanded to include the B2A, B4, and Industrial District. An analysis of the buffer zones suggested that the MMTCs would not have viable options for locating if the zoning continued to limit the use to B3 and B5. The Study Committee wanted to minimize concentration of these establishments and ensure broad distribution throughout town. In keeping with our existing zoning districts, the Study Committee did not recommend zoning for these establishments in the B1 (Neighborhood Office) or B2 (Neighborhood Business) zones which are primarily for one- and two-family dwellings and small retail and service establishments.

The Study Committee recommended the allowed maximum 500-foot buffer around pre-existing public or private school providing education in kindergarten or any of grades one through 12, a 200-foot buffer around public libraries, and a 300-foot buffer around Town-owned playgrounds and recreational facilities. Applying these buffers without allowing an expansion of the zoning districts where marijuana uses could locate, would effectively cause

the use to be prohibited in the town. Therefore, the ARB supported the expansion of zoning districts from what was adopted in support of MMTCs as the use, both recreational and medical, would be located along major corridors, in commercial centers, and accessible by public transportation.

The Study Committee also wished to develop a consistent set of rules for all establishments. All recreational marijuana establishments and medical marijuana treatment centers must obtain an Environmental Design Review Special Permit from the Redevelopment Board. Additionally, a new Special Permit is required for a previously-permitted medical marijuana treatment center if the establishment converts to a marijuana retailer or a co-located establishment. The ARB is well-equipped to handle this Special Permit review, and supported the requirement as recommended by the Study Committee.

Focusing on the public-facing, consumer-oriented marijuana establishments, namely marijuana retailers, the proposed amendments include a cap on the number of marijuana retailers and a density limitation between such establishments. State regulations allow municipalities to impose a cap on the number of marijuana retailers to not less than 20% of the number of licenses for off-premises alcohol consumption (package stores). Application of this cap effectively limits the number of marijuana retailers to 2 licenses<sup>1</sup> which was supported by the Study Committee. The ARB's vote raises the maximum number to three (3) which allows for a modest number of retailers and decouples the number of licenses for marijuana retailers from the number of licenses for package stores. Additionally, a marijuana retailer may not be located within 2,000 feet of another marijuana retailer. This essentially limits Arlington Center to one marijuana retailer avoiding a saturation of the market in any one area of Arlington.

Other limitations are imposed on marijuana production facilities. Production facilities can be a marijuana cultivator, marijuana product manufacturer, or a marijuana microbusiness. Production facilities are limited to 5,000 square feet in gross floor area, and if the marijuana products that are cultivated and produced for non-medical use, the production facility must be licensed as a Tier 1 marijuana microbusiness meaning that the marijuana canopy contained within the building may not be more than 5,000 square feet.

Five people spoke at the public hearings, including three members of the Study Committee. Committee members commented on the process and proposal. The Committee had active discussions, grappling with issues of density and location, but ultimately agreeing to a proposal that they believed would meet community standards. One community member expressed concern that the cap would prevent these types of establishments from growing. Another community member expressed concern that retail establishments would be allowed in the Industrial Zone. While the district "discourages... retail business uses, or uses which

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<sup>1</sup> Following the vote at Special Town Meeting in May 2018, the Town of Arlington is awaiting passage of special legislation to raise the number of licenses for off-premises alcohol consumption (package stores) to 6 licenses.

would otherwise interfere with the intent of [the] Bylaw,” (5-35, Arlington Zoning Bylaw) it does not forbid retail businesses, nor does it forbid retail within mixed-use buildings.

VOTED (5-0) that the Zoning Bylaw be and hereby is amended by:

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

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 strike the existing definition for Recreational Marijuana Establishment and replace with the definition for Marijuana Establishment:**

~~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:**

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 off-site delivery of 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. Such 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 co-located 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 a co-located 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) 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) Marijuana Retailers and Marijuana Production Facilities, as defined in Section 2, may be established to provide Marijuana Products for medical use, 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 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 co-location 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 shall not be permitted within 2,000 feet of another Marijuana Retailer; A Medical Marijuana Treatment Center shall not be permitted within 2,000 feet of another 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 a maximum of three.

*-- End of Report --*



## Town of Arlington, Massachusetts

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### Meeting Minutes

#### Summary:

8:50-9:00 p.m.

- Board members will review and approve meeting minutes

#### ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	Agenda_Item_3_-_DRAFT_ARB_Minutes_10012018.pdf	DRAFT ARB Minutes 10012018

**Arlington Redevelopment Board**  
**October 1, 2018, 7:30 p.m.**  
**Town Hall, 2<sup>nd</sup> Floor Meeting Room**  
**Draft Meeting Minutes**

**PRESENT:** Andrew Bunnell (Chair), David Watson, Eugene Benson, Kin Lau

**STAFF:** Jennifer Raitt, Director, Planning and Community Development

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This meeting was recorded by ACMI.

The Chair opened the meeting at 7:30 p.m. and turned to the first item on the agenda, a warrant article to submit for the Town Meeting warrant. The Marijuana Study Group began meeting and is working with staff on drafting the language for the bylaw amendments.

The warrant article would read as follows: Special Town Meeting Article Zoning Bylaw Amendment for Medical and Recreational Marijuana Establishments. To see if the Town will vote to amend the Zoning Bylaw to address recreational marijuana establishments by: amending SECTION 2 DEFINITIONS to create definitions for recreational marijuana establishments and to amend the existing definition of Medical Marijuana Treatment Centers (MMTC); 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 use categories for marijuana establishments and amend existing use categories for Medical Marijuana Treatment Centers; amending SECTION 8 SPECIAL REGULATIONS to create a new section on marijuana uses; or take any action related thereto. The amendments will include updates to the MMTC locations, capturing the buffering zones, and deleting the non-profit status of these entities. References to the current moratorium would be deleted.

Mr. Lau asked if the new bylaw will include storage or the ability to grow cannabis. Ms. Raitt reviewed all of the different types of marijuana establishments which include both storage and cultivation. The Board discussed the space requirements that some of these facilities might have and if Arlington could accommodate these types of facilities. Mr. Benson had comments about what we might amend for the EDR process and if we should include Section 8 as a reference. Ms. Raitt stated that she would communicate this suggested amendment to the Study Group, but also emphasized that the warrant article language should remain broad.

Ms. Raitt outlined the timeline for moving forward with the bylaw amendment, including posting the hearing notice in the Arlington Advocate by October 10<sup>th</sup> and holding the public hearing beginning on November 5<sup>th</sup>. Ms. Raitt suggested that the Board add two additional meetings as needed should the public hearing need a continuation date. She suggested holding additional meetings on November 7<sup>th</sup> and on November 14<sup>th</sup>.

The Board moved to file the warrant article as presented and to add additional meetings to the Redevelopment Board schedule as outline above. Mr. Benson moved the article to be filed in the warrant and Mr. Lau seconded. Voted 4-0.

The Chair turned to the second item on the agenda: an update on the Multifamily Zoning Analysis and project. Ms. Raitt provided an update on the project and outlined the project timeline for moving forward. Ms. Raitt walked through a memo provided by the Metropolitan Area Planning Council which is providing technical assistance to the Town on this project. The memo outlined existing conditions and an in depth zoning analysis. Ms. Raitt explained that the project will assist in the implementation of two key strategies identified in the Housing Production Plan (HPP): amending the Zoning Bylaw to facilitate development of a range of housing types and amending dimensional regulations to facilitate production of multifamily housing through mixed-use development in commercial areas and other smart growth locations. These strategies were identified in the HPP as two important ways to increase housing diversity and affordability in Arlington.

Ms. Raitt also walked through a detailed Parcel Analysis and density examples. The parcel analysis showed that most parcels neither meet minimum lot requirements nor do they meet minimum lot size per unit. Ms. Raitt will follow up with the Board regarding buildout analyses that MAPC prepared which also illustrate a number of constraints with the current zoning in the high density residential districts and with mixed-use zoning. Ms. Raitt explained that the draft zoning recommendations would come to the Board for review in December and that the intention is to file zoning amendment articles for spring Town Meeting. Mr. Benson wondered if we could investigate what might be built differently by right versus with a special permit. Mr. Lau stated that if you look at Arlington's growth compared with other towns and noted that we are very far behind and that the bylaw and zoning may be holding back the growth we are trying to encourage and that aligns with the Master Plan. He continued that we need to investigate a reduction in parking and further amendments to mixed-use. Mr. Watson continued that we are not achieving goals on a number of accounts, the lot sizes are too small and most are non-conforming, we are not able to achieve our Master Plan goals, and further substantive zoning amendments are needed. Ms. Raitt noted that the Department is exploring additional zoning amendments to the Arlington Heights business district.

The Chair called on Steve Revilak of 111 Sunnyside Avenue to speak. Mr. Revilak stated that he enjoyed reading the materials posted and particularly how the zoning requirements (dimensional and density regulations) and how certain changes made could lead to greater conformance. He thought they made some sensible recommendations regarding special permit such as being able to construct a three-family by right in the R3 which is a three family district. The Board found the materials very enlightening. They were very interested in the work and looked forward to seeing the recommendations at a future meeting.

Meeting adjourned.





## Town of Arlington, Massachusetts

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### Correspondence received

#### Summary:

Correspondence received: Emails regarding retail marijuana 11-7-18

#### ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	Correspondence_-_Emails_regarding_retail_marijuana_11-7-18.pdf	Emails regarding retail marijuana 11-7-18

**From:** Chris Loreti <cloreti@verizon.net>  
**To:** Doug Heim <DHeim@town.arlington.ma.us>  
 MByrne@town.arlington.ma.us, 'Jenny Raitt' <jraitt@town.arlington.ma.us>,  
**Cc:** "'abunnell@town.arlington.ma.us'" <ABunnell@town.arlington.ma.us>, 'Adam Chapdelaine'  
 <achapdelaine@town.arlington.ma.us>  
**Date:** 11/07/2018 06:15 PM  
**Subject:** Re: Retail Marijuana Sales in the Industrial Zone

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Hi Doug,

Thanks for your quick response...and for confirming my memory.

Note that I wasn't suggesting that the Town couldn't vote to allow retail marijuana sales in the industrial zone (or that such sales would not be allowed if it did so vote). Rather, I was simply stating my opinion that it was a bad idea to carve out a special exception for retail marijuana sales when other retail uses (whether stand-alone or in mixed use) are prohibited in the I zone except in the limited case of the sale of goods produced on site.

Chris

On 11/7/2018 5:23 PM, Doug Heim wrote:

Hi Chris,

You're referencing the 2016 Town Meeting discussion, correct? I don't recall issuing a formal opinion on this so I assume we're talking about a question on the floor of Town Meeting. To the best of my recollection Mr. Bunnell and Mike Cayer addressed the concern about mixed-use being exploited to provide for disallowed uses in a given district before Town Meeting.

In any event, it is indeed the Town's position that only those uses that are allowed in any given zoning district can be employed in a mixed-use building. Applied to the proposed amendments before the ARB, is the question seems to me whether or not marijuana retail could be allowed in the Industrial District under its definition in the bylaw:

*I: Industrial District. The Industrial District in the Mill Brook Valley allows uses requiring the manufacture, assembly, processing, or handling of materials which because of their traffic, noise, appearance, odor, or hazards would be disruptive to residential and other business uses. In this district, the Town discourages residential uses, retail business uses, or uses which would otherwise interfere with the intent of this Bylaw. Mixed-use development is allowed without residential space.*

While the district "discourages... retail business uses, or uses which would otherwise interfere with the intent of [the] Bylaw," it does not forbid retail businesses (as you point out, one kind of retail is already allowed), nor does it forbid retail within mixed-use buildings (as it explicitly forbids mixed-use with residential space). Hence, if Town Meeting approves the proposed bylaw, the definition of the Industrial District is not prohibitive.

I leave it to the Town Meeting members, you, the ARB, and others to debate the merits of allowing marijuana uses by special permit in an amended section 5.6.3. But if the table is amended to allow for marijuana establishments, the definition of the Industrial District would not prohibit them just because they're considered retail (mixed-use or otherwise).

Sincerely yours,

**Douglas W. Heim**  
Arlington Town Counsel  
50 Pleasant St  
Arlington, MA 02476

Tel: (781) 316-3150

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**From:** Chris Loreti [<mailto:cloreti@verizon.net>]  
**Sent:** Wednesday, November 7, 2018 12:24 PM  
**To:** Douglas Heim  
**Cc:** [MByrne@town.arlington.ma.us](mailto:MByrne@town.arlington.ma.us); Jenny Raitt; [abunnell@town.arlington.ma.us](mailto:abunnell@town.arlington.ma.us); Adam Chapdelaine  
**Subject:** Retail Marijuana Sales in the Industrial Zone

Hi Doug,

At the warrant article hearing Monday on medical and recreational marijuana, I made the point that retail sales are generally not allowed in Arlington's industrial zoning (I) district, and a special exception should not be carved out for marijuana sales. (See excerpts from the bylaw below.)

Jenny Raitt then stated that retail could be done in the I district as part of mixed use. I do not believe this is correct. During the debate on mixed use zoning at the time it was adopted, I raised the question of whether "mixed use" could be used to allow uses that would not otherwise be permitted within a particular zoning district. I recall that you (or possibly Mike Byrne) gave the opinion that unless the underlying use was already allowed within a district, it would not be allowed as part of mixed use.

Can you confirm whether this is still the Town's position or whether it has changed? If so, I think the bylaw needs to be clarified to prevent "mixed use" being used as a Trojan horse.

Thanks,

Chris Loreti

From the description of the Industrial district in the Zoning Bylaw:  
In this district, the Town discourages residential uses, retail business uses, or uses which would otherwise interfere with the intent of this Bylaw.  
The only time retail is allowed in the I district is under this use: "Manufacture, assembly, packaging of goods where at least 50% of goods are sold at retail primarily on the premises"

