



Town of Arlington, MA Redevelopment Board

Agenda & Meeting Notice December 17, 2018

The Arlington Redevelopment Board will meet Monday, December 17, 2018 at 7:30 PM in the **Town Hall Annex, 2nd Floor Conference Room, 730 Massachusetts Avenue, Arlington, MA 02476**

1. Multifamily Housing Analysis and Recommendations

- 7:30-8:15 p.m. • Presentation by Alexis Smith, Senior Housing Planner, MAPC and Erin Zwirko, Assistant Director of Planning and Community Development
• Board members will review and discuss.

2. Sign Bylaw Analysis by Lisa Wise Consulting

- 8:15-9:00 p.m. • Staff presentation
• Board members will review and discuss

3. ARB Redevelopment Portfolio updates

- 9:00-9:15 p.m. • Staff presentation
• Board members will review and discuss

4. Meeting Minutes from 11/05/18 and 11/07/18

- 9:15-9:25 p.m. • Board members will review and approve meeting minutes

5. Adjourn

- 9:25 p.m. Adjourn and reconvene at Tryst, 689 Mass. Ave., Arlington, for a holiday gathering where no business will be discussed or transacted

6. Correspondence received

Correspondence received: Letter to Jennifer Raitt re Hearing 2018 12 10



Town of Arlington, Massachusetts

Multifamily Housing Analysis and Recommendations

Summary:

7:30-8:15 p.m.

- Presentation by Alexis Smith, Senior Housing Planner, MAPC and Erin Zwirko, Assistant Director of Planning and Community Development
- Board members will review and discuss.

ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	Agenda_Item_1_-_Arlington_Multifamily_Recommendations_12-11-18.pdf	Arlington Multifamily Recommendations 12/1/18
▢ Reference Material	Agenda_Item_1_-_Arlington_Multifamily_Zoning_Memo_12-11-18.pdf	Arlington Multifamily Zoning Memo 12/11/18

Arlington Multifamily Zoning – Recommendations

December 11, 2018

Open space: Eliminate the usable open space requirement for multifamily and mixed-use development, and instead increase the landscaped open space requirement from 10% to 20% of gross floor area.

- Allow up to 25% of landscaped open space to occur on balconies and/or roof deck. This would involve an amendment to the landscaped open space definition.

Rationale: There were several comments at the last working group meeting that large, programmed usable open space is not necessarily what's needed along main corridors. However, there was also acknowledgement that community members are interested in ensuring that developments have sufficient ground-level greenery. Shifting the entire open space requirement to landscaped open space eliminates the confusion resulting from the different kinds of open spaces, offers more flexibility in how the space is distributed across the site (landscaped open space does not require the 25x25' minimum dimensions), and reduces the overall open space requirement (from 30% total to 20% total) while still maintaining sufficient green space.

Townhouses:

- Clarify (in definition and in dimensional charts) that dimensional requirements are for the entire townhouse structure, not an individual townhouse unit.
- Amend the maximum size of one townhouse structure from 6 units/150' length to 8 units/200' length

Rationale: 200' is roughly the length of Arlington's smaller blocks, and is approximately half the length of a larger block.

Apartment conversions: Generally eliminate dimensional requirements.

Rationale: Because apartment conversions deal exclusively with existing structures, many dimensional requirements can be an undue constraint, especially when the structures are often historic and nonconforming.

Density and lot area

- In the B2 district, decrease the density requirement for mixed use >20,000 sq. ft. from 1450 sq. ft./unit to 1,000 sq. ft./unit
- For R districts – reduce minimum lot areas, min lot area per unit, and minimum lot frontage:

	Use	Min Lot Area		Min Lot Area per Unit		Min Lot Frontage	
		Existing	Proposed	Existing	Proposed	Existing	Proposed
R4	Three-family dwelling	7,500	5,000	0	no change	70	50
R4	Townhouse	30,000	5,000	2,500	1,500	100	50
R4	Apt conversion	12,500	0	2,500	1,000	80	0
R5	Townhouse/apartment	20,000	5,000	1,450	1,000	100	50
R6	Townhouse/apartment	20,000	5,000	700	no change	100	50
R7	Any permitted structure	20,000	5,000	550	no change	100	50

Lot size rationale: Per the parcel analysis, there are a substantial number of lots above 5,000 square feet on Arlington's main corridors, a size which could comfortably accommodate four- or six-plex apartment buildings. Density and other dimensional requirements still apply, so lowering the minimum lot size would not result in disproportionately large buildings being constructed on small lots.

Density rationale: When reviewing the density study, the working group gravitated towards the 1,000 sq. ft. of lot area per unit as an appropriate baseline for Mass Ave and other main corridors.

Yards:

- In the B1 district, change front yard requirement for mixed use from 20' to 10', and the side yard requirement from 10' to 0 (bringing it closer to the front and side yard requirements for other B districts, which are both 0' for mixed use).
- For corner lots, change from minimum street yard depth shall be equal to the required front yard of the adjoining lots to minimum street yard depth shall be equal to the front yard depth required for the district in which the parcel is located as in Section 5.3.8.
- In R districts – reduce front yards and side yards:

	Use	Front Yard		Side Yard		Rear Yard	
		Existing	Proposed	Existing	Proposed	Existing	Proposed
R4	Three-family dwelling	25	15	10	no change	20	no change
R4	Townhouse	25	15	15	10	25	20
R4	Apt conversion	25	0	10	0	20	0
R5	Townhouse/apartment	15	10	10+(L/10)	15	25	20
R6	Townhouse/apartment	15+(H/10)	10	(H+L)/6	10**	(H+L)/6	20
R7	Any permitted structure	15+(H/10)	10	(H+L)/6	10**	(H+L)/6	20
** Where R6 and R7 parcels abut a business district, no side yard setback is required adjacent to the business-zoned parcel.							

Rationale: Decreased front and side yards are more consistent with traditional main street building patterns and create a stronger and more consistent street wall, which enhances pedestrian experience. The front yard setbacks proposed here are still sufficient to allow room for a bench, landscaping, or other pedestrian amenity. The side yard setbacks allow for a continuous streetwall in business areas, while providing relief where apartment districts abut residential districts.

Setback: Require the setback above the third story (rather than above the second story if the building is greater than three stories as in Section 5.3.17).

Rationale: A three-story façade before a setback creates a stronger street wall and is more proportionally appropriate for wide main streets with buildings 4-5 stories tall.



Height buffer:

- Reduce buffer distances to 25-50' depending on orientation (rather than 100-200').

Rationale: These dimensions retain a reasonable degree of relief for adjacent residential parcels, particularly for the lowest-intensity R0 and R1 districts, while not effectively lowering height limits across entire parcels.

Height and FAR in R districts:

- Increase heights in R5 and R6, and FARs in all multifamily residential districts:

	Use	Max Height (ft.)		Max Height (stories)		Max FAR	
		Existing	Proposed	Existing	Proposed	Existing	Proposed
R4	Townhouse	35	No change	3	No change	.7	1.5
R4	Apt conversion	40	n/a	3	n/a	--	No change
R5	Townhouse/apartment	35	45	3	4	.8	1.5
R6	Townhouse/apartment	40	55	4	5	1.2	1.8
		35	45	3	4		
R7	Any permitted structure	60	60	5	No change	1.5	2.0
		40	45				

Height and FAR in B districts:

- Increase FARs in all B districts:

	Use	Max Height (ft.)		Max Height (stories)		Max FAR	
		Existing	Proposed	Existing	Proposed	Existing	Proposed
B1	Mixed Use	35	45	3	4	.75	1.5
B2	Mixed Use <20,000 sq. ft.	50		4		1.5	1.8
B2	Mixed Use >20,000 sq. ft.	40		3		1.0	1.5
B2A	Mixed Use <20,000 sq. ft.	60		5		1.5	1.8
		50		4			
B2A	Mixed Use >20,000 sq. ft.	50		4		1.0	1.5
		40		3			
B3	Mixed Use <20,000 sq. ft.	60		5		1.5	1.8
		50		4			

	Use	Max Height (ft.)		Max Height (stories)		Max FAR	
		Existing	Proposed	Existing	Proposed	Existing	Proposed
B3	Mixed Use >20,000 sq. ft.	50 40	60 50	5 3	4	1.4	1.5
B4	Mixed Use <20,000 sq. ft.	60 50		5 4		1.5	2.0
B4	Mixed Use >20,000 sq. ft.	50 40		4 3		1.0	1.8
B5	Mixed Use <20,000 sq. ft.	60 50		5 4		1.8	2.2
B5	Mixed Use >20,000 sq. ft.	60 40	50	5 3	5 4	1.4	1.8

Parking:

- Change Apartment Building requirements from 1.0/1.15/1.5/2.0 spaces per unit to 1.0 space per unit. Project would still be eligible for TDM and affordable housing reductions.
- Add R7 to the districts eligible for TDM parking reduction as in Section 6.1.5.

Rationale: Reducing the parking requirements for apartments to one space per unit is consistent with the current parking requirements for single family, duplex, and triplex housing.

Special permit triggers: Allow up to 6 units by right in the R5-7 districts, and up to 6 units mixed use by right in all B districts.

Rationale: This allows a reasonable number of residential units by-right in districts where development at this scale is appropriate. Six units is the threshold for the inclusionary zoning ordinance.



Memorandum

To: Arlington Redevelopment Board
From: Alexis Smith, Metropolitan Area Planning Council
Date: December 11, 2018
Re: Town of Arlington Multifamily Zoning Project Update
Attached: Multifamily Zoning Recommendations (dated 12/11/18)

Project Background

The Town of Arlington Multifamily Zoning Project, building on the recommendations in the Town's Housing Production Plan, seeks to increase housing diversity and affordability by facilitating production of multifamily housing in key smart growth locations. The project studied constraints to multifamily development within the Zoning Bylaw's dimensional requirements and proposes zoning amendments to be considered at the spring 2019 Annual Town Meeting. To accomplish this, Arlington engaged the Metropolitan Area Planning Council (MAPC) to provide technical assistance. The project is supported by a Planning Assistance Grant from the Massachusetts Executive Office of Energy & Environmental Affairs and by technical assistance funding from MAPC.

Analysis of the Current Zoning Bylaw

The project involved several layers of analysis of the current Zoning Bylaw, including a zoning audit, a parcel analysis examining lot size and density, and a buildout analysis of select parcels. A project working group, consisting of Town staff, a local realtor, and representatives from the Arlington Redevelopment Board (ARB) and the Housing Plan Implementation Committee, met three times throughout the fall of 2018 to review these deliverables and provide guidance regarding zoning recommendations. The material was also shared with the ARB at their October 1, 2018 meeting.

The project began with an audit of the current Zoning Bylaw. The audit found that, while Arlington has recently made substantial strides towards updating its Bylaw to reflect the vision articulated in its Master Plan, barriers to multifamily development still exist. Generally, the Bylaw's dimensional requirements are appropriate for Arlington's lower-density districts but restrict or discourage multifamily development that would be appropriate in the higher-intensity districts along main corridors. Specific dimensional constraints were identified for further study, including lot size, density, yards, open space, building height, height buffer, floor area ratio, and parking.

MAPC subsequently conducted a town-wide mapping parcel analysis to determine the extent to which parcels with an existing multifamily use meet current lot size and density requirements, or in other words, whether Arlington's historic development patterns could occur under current zoning. The analysis showed that parcels in the Business districts are largely compliant with existing lot size and density requirements, primarily due to the mixed-use zoning bylaw amendments adopted by Annual Town Meeting in 2016. However, residential-zoned parcels are far more likely to be nonconforming; only one-third meet lot size requirements and less than half meet density requirements. The analysis then considered how various zoning changes might increase the number of compliant parcels. The mapping analysis was supported by photos of existing buildings in town to illustrate various lot sizes and densities.

Finally, MAPC conducted a buildout analysis of four sample sites to understand development potential under the existing Bylaw. The buildout analysis for each site was structured as a series of step-by-step illustrations to demonstrate how each of the major dimensional pieces of the Bylaw impacts what can be built on the site. While constraints varied by site and district, the most prohibitive requirements were typically front and side yards, usable open space, height buffer, floor area ratio, parking, and density. The analysis also looked at the ways in which various changes to the dimensional requirements might encourage multifamily development by increasing each site's capacity for housing.

Zoning Recommendations

Based on the above analyses, MAPC developed draft zoning recommendations which were refined based on input from the project working group. The recommendations are typically limited to higher-intensity districts (R4-R7 districts and B districts) in which multifamily and mixed-use development is permitted. They include:

- Eliminate the usable open space requirement for multifamily and mixed-use development, and instead increase the landscaped open space requirement
- Decrease the minimum lot area and minimum lot area per unit (density) in R4-R7 districts
- Reduce front and side yards in R4-R7 districts
- Reduce the distance within which the height buffer applies
- Increase floor area ratio in higher-intensity districts
- Decrease the parking ratio for multifamily housing to be consistent with the requirements for single family and duplex housing
- Allow up to six units by right in higher-intensity zoning districts

Please see the attached document for a complete list of recommendations and explanations.

Next Steps

The zoning recommendations will be discussed with the larger Arlington community at a public forum scheduled for January 10, 2019. Based on input received from Town staff, the project working group, the Arlington Redevelopment Board, and the general public, MAPC will finalize the recommendations and prepare zoning amendments for consideration at the 2019 Annual Town Meeting.



Town of Arlington, Massachusetts

Sign Bylaw Analysis by Lisa Wise Consulting

Summary:

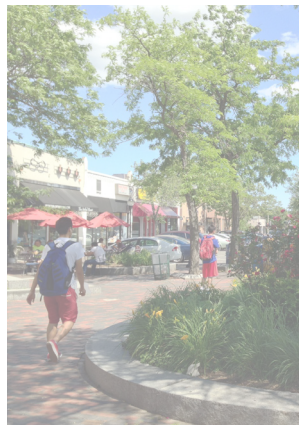
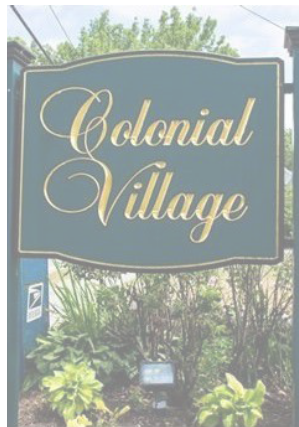
- 8:15-9:00 p.m.
- Staff presentation
 - Board members will review and discuss

ATTACHMENTS:

Type	File Name	Description
Reference	Agenda_Item_2_-	LWC Arlington Final Code
Material	_LWC_Arlington_Final_Code_Diagnosis_120518_wcover.pdf	Diagnosis 12/05/18

Sign Regulations Analysis & Recommendations Report

Town of Arlington, MA



December 5, 2018



LWC

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LISA WISE CONSULTING, INC.

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A. Introduction

1. Purpose and Intent

The Town of Arlington has a long history of planning policies that prioritize its thriving business districts and local historic heritage as a means to creating a unique sense of place. This is reflected in the *"Your Town, Your Future: A Master Plan for Arlington"* (Master Plan), adopted in 2015. The Master Plan envisions "civic connections that encourage social interaction and foster a sense of community."

The placement, quality, and design of signs in the Town of Arlington can complement and contribute to the envisioned aesthetic, historic, and social character of the community. Well-designed signs can promote and accomplish the policies of the Town's Master Plan; provide safe and attractive signage for all uses, including local businesses; and promote the free flow of pedestrian access and vehicular traffic. The Town of Arlington has embarked on the Sign Regulations Update project in order to analyze the effectiveness of the existing sign regulations and to develop new sign regulations that are organized, effective, and responsive to the Town's needs.



Figure A.1 – Examples of well-designed signs

The Town is seeking updated sign regulations which:

- Are modern, easy-to-use, and organized;
- Are consistent with state and federal law, including the U.S. Supreme Court's June 2015 decision in the *Reed v. Town of Gilbert* sign case;
- Respond to the Town's needs by establishing clear and effective standards with flexibility for certain conditions, when warranted;
- Establish standards appropriate for different property types and geographies in the Town, including signs in the Town's historic districts; and
- Are informed by meaningful engagement by the public and local stakeholders.

The Town of Arlington hired Lisa Wise Consulting, Inc. (LWC) to revise its sign regulations to be clear and concise, user-friendly, and legally-defensible. As part of this work, LWC will ensure that the sign regulations are consistent with the Town's goals, objectives, and policies as reflected in the Master Plan.

2. Report Overview

This Sign Regulations Analysis and Recommendations report provides a comprehensive analysis and diagnosis of the Town's existing sign regulations with recommendations on how the sign regulations may be updated consistent with the Town's needs. As stated in the Request for Proposals (RFP # 18-40), the report will:

- Identify ways to improve existing sign regulations for greater simplicity and clarity whether through changes to format and layout; consolidation and/or consistency of dispersed standards throughout the Town and Zoning Bylaws; addition of graphics; or other recommendations;
- Identify useful sign regulations absent from the Town and Zoning Bylaws that the Town may want to include, or identify superfluous or redundant standards that could be removed;
- Identify sections that require revisions for consistency with recent and relevant court cases, if applicable; and
- Include a recommendation on where the revised sign regulations should be located, i.e. in the Town Bylaws or the Zoning Bylaw.

The sections that comprise this report address the following topics:

- A. Introduction.** A description of the purpose of this report with a brief overview of its contents.
- B. Principles of Sign Regulation.** An overview of legal principles that municipalities must follow to adopt legally-defensible and constitutionally sound sign regulations.
- C. Goals and Implementation Strategies.** An analysis of specific goals and objectives identified by the Master Plan specific to sign standards.
- D. Analysis of Existing Sign Regulations.** An analysis identifying where amendments are required, where new regulations are recommended, and what provisions in the existing sign regulations may be carried forward, updated, or expanded as needed.
- E. Analysis of Other Regulatory Documents.** An analysis of supplementary regulatory documents establishing standards for specific sign types (including billboards and signs in historic districts), affecting the procedures and administration of the existing sign regulations.
- F. Summary of Community Input.** A summary of all comments provided through outreach efforts, including a community workshop, stakeholder interviews, and local merchant meetings.

- G. Summary of Previous Zoning Reviews as Reported by RKG Associates.** A review of the previous regulatory framework for the Zoning Bylaws completed by RKG Associates, the project consultant for the “*Your Town, Your Future: A Master Plan for Arlington*” effort, including a discussion on the existing Zoning Bylaw as it pertains to sign regulations.
- H. Proposed Table of Contents.** A draft Table of Contents outlining a new logical, easy-to-use organizational structure for updated sign regulations.
- I. Conclusions and Next Steps.** A conclusion describing next steps for the eventual successful adoption of the updated sign regulations.

The Sign Regulations Analysis and Recommendations Report does not include specific text amendments. Specific text amendments will be provided in Task 2 (Preparation of Sign Regulations).

3. Summary of Recommendations

The analysis that follows includes numerous recommendations for content and style revisions to the Town’s existing sign regulations in order to ensure the updated sign regulations meets the Town’s goals. The key recommendations of this technical review are outlined below.

- **Develop Content-Neutral, Legally-Defensible Regulations.** The primary goal of the updated sign regulations is to ensure that all regulations for permanent and temporary signs are legally-defensible and consistent with applicable federal and State requirements. This includes compliance with the U.S. Supreme Court’s decision in *Reed v. Town of Gilbert*. LWC recommends that the updated sign regulations rely on existing administrative procedures and standards as much as possible, and be clear, concise, user-friendly, and well-illustrated.
- **Create a New, Simplified Table of Contents.** A new simplified and reorganized Table of Contents for the updated sign regulations will be created. A new Table of Contents will make it easier for Town staff, sign industry professionals, and Town residents to read, use, and apply. See Section H. (Proposed Table of Contents).
- **Modernize and Update Administration and Permitting Procedures.** The provisions for administration and permitting will be updated and modernized as needed based on direction from Town staff. Redundancies and duplication of procedures will be removed, and cross-references to the Town’s existing administrative provisions in the Zoning Bylaw will be included.
- **Update Sign Definitions.** All sign related definitions will be updated, with existing content-based terms being updated or removed, and redundant terms excluded. Definitions will remain in the Zoning Bylaw, Section 2 (Definitions).

- **Include Sign Graphics and Illustrations.** General requirements for all signs will be developed and supported by simple illustrations that are easily understandable. These general regulations will include sign area, sign height, sign illumination, structure and installation, and maintenance.
- **Establish Standards for Permanent and Temporary Signs by Zoning District.** A new approach for presenting standards is recommended, based on a clear distinction between permanent and temporary signs. Standards dictating the quantity and area of signs will be organized by zoning district or by groups of similar zoning districts.
- **Incorporate New Sign Types.** The updated sign regulations will include standards that reflect the utilization of current sign technologies (e.g. standards for electronic message centers and LED lighting).
- **Sign Regulations in the Zoning Bylaw.** As described on Page 26, it is recommended that the updated sign regulations should continue to be located in the Zoning Bylaw as Section 6.2 (Signs).

B. Principles of Sign Regulation

1. Content-Neutral Time, Place, and Manner Restrictions

For many years, U.S. courts have affirmed that sign regulations must be “content-neutral” to survive a legal challenge. In order to be content-neutral, the sign regulations must be based on “time, place, and manner” restrictions, rather than by making distinctions based on the message the sign conveys.

“Time, place, and manner” restrictions, as the name suggests, limit the length of time, the manner, and place or location of a sign. As an example, well-written sign regulations may include a limitation on the length of time they may be displayed, especially for portable or temporary signs, such as A-frames or banner signs; restrictions on the total area, maximum height, or illumination of a sign; and where the sign may be placed (i.e. so as not to encroach within the public right-of-way).

The challenge for the Town of Arlington is to approach the Sign Regulations Update and all related regulations in such a way that it reflects a careful balance of community tolerance for risk, as well as the community’s desire for aesthetic considerations.

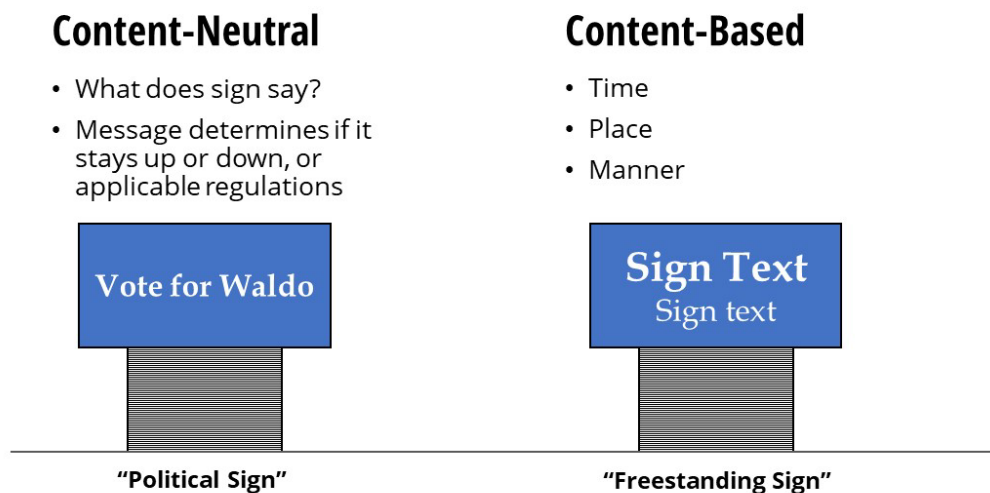


Figure B.1 – The distinction between a content-based and a content neutral sign

2. Overview of *Reed v. Town of Gilbert*

Following the U.S. Supreme Court’s decision in *Reed v. Town of Gilbert* in June 2015, regulating signs in a content-neutral manner to satisfy First Amendment limitations became more difficult for local governments. In this landmark First Amendment case available here - www.supremecourt.gov/opinions/14pdf/13-502_9olb.pdf - all nine Supreme Court justices agreed that the Sign Code of the Town of Gilbert, Arizona, failed the First Amendment’s content neutrality requirement.

The Town of Gilbert's Sign Code distinguished between a variety of sign types, providing different standards for "political signs", "ideological signs", "directional signs", "real estate signs", and others. The pastor for a local church placed temporary signs in public rights-of-way to advertise religious services, and the Town's enforcement staff enforced its Sign Code against the church's temporary signs. Consequently, the church filed a challenge to the Town's Sign Code. The federal district court upheld Gilbert's Sign Code on summary judgment, a decision that was affirmed by the Ninth Circuit Court of Appeals. The church then appealed to the U.S. Supreme Court.



Figure B.2 – One of the signs at issue in the Reed case

Source: New York Times, Justices Side with Arizona Church in Dispute over Sign Limit

The U.S. Supreme Court heard this case in 2015 (it was the first Supreme Court case to address local sign regulations in over twenty years). Six justices agreed that Gilbert's Sign Code improperly distinguished between types of noncommercial speech based on the subject matter of the speech; the Code was facially content-based. The reason behind this decision was that Gilbert's Sign Code made several exceptions to the permitting requirement for signs, including, for example, exceptions for "political", "ideological", and "temporary directional signage for qualifying events", and regulated each of these excepted forms of signage in different ways. The Court majority found that these distinctions were regulated based on the signs' content, which is prohibited under the Court's First Amendment doctrine.

Further, because Gilbert's Code regulated signs based on the content or message of speech, the Code was, therefore, subject to what is called a "strict scrutiny" standard of review. Strict scrutiny requires that a compelling governmental interest must be demonstrated and that the regulations must be narrowly tailored to serve that compelling governmental purpose. The Court found that the Town failed to meet this standard and held that Gilbert's Sign Code was invalid. On the other hand, a

regulation that is “content-neutral” is subject to “intermediate scrutiny”, i.e. the regulation furthers a significant or important governmental interest that is unrelated to the suppression of speech, is narrowly tailored, and it provides ample alternative channels for communication.

Since the *Reed* decision, several lower courts have invalidated content-based regulations of noncommercial speech, particularly those relating to political signs (*Marin v. Town of Southeast*). The lower courts have also upheld several examples of content-neutral time, place, and manner regulations, including restrictions on painted wall signs (*Peterson v. Village of Downers Grove*) and a New York City prohibition on illuminated signage extending more than 40 feet above curb level (*Vosse v. City of New York*). In *Central Radio, Inc. v. City of Norfolk*, the lower court looked unfavorably at specific exemptions for artwork, and based on this decision, some cities have also chosen to exclude flags from their sign regulations as they could be considered an ideological message (See further discussion below).

3. Implications of *Reed v. Town of Gilbert* to the Town of Arlington

The U.S. Supreme Court’s decision in *Reed* has emphasized the need for local governments to ensure that their sign regulations are content-neutral. Interestingly, there is a divergence of opinions on what this means, and some First Amendment observers have suggested that the result in *Reed* will encourage local governments to take a more cautious approach to sign regulation that may more broadly suppress speech, while others predict that the decision will result in more freedom for sign owners to display signs with various messages.

In response to the *Reed* decision, and as a general recommended practice, the Town of Arlington’s Sign Regulations should be amended to include several general provisions and principles intended to ensure they are constitutional, as listed below:

- **Purpose Statements.** Include in the Bylaw’s Purpose Section confirmation that the Town intends to regulate and enforce signs in a content-neutral manner.
- **Clear Basis in the Master Plan.** Ensure that the Purpose statements are clear and are linked to the regulations and the policies in the Master Plan.
- **Clarify Permitting Procedures.** Review sign permitting procedures to ensure they have a narrow focus, a review timeframe that is as short as possible, and include clear and enforceable standards against which permit applications can be reviewed.
- **Reduce Exceptions.** Reduce the number of sign exceptions as much as possible.
- **Clarify Message Substitution.** Add a substitution provision stating that any non-commercial message may be substituted for a commercial message to protect the Town from mistakenly prohibiting the display of a non-commercial message, where a commercial sign would otherwise be allowed.

- **Create Balanced, Enforceable Regulations.** Limit sign regulations to those which are necessary and enforceable in balancing property owners' needs with the public interest of maintaining community character.
- **Permanent Sign Standards by Zoning District.** Establish permanent sign standards based on the zoning districts in which signs are located (residential, business, industrial). Ensure the standards are based on sign type and structure, rather than the message it conveys, (regulate "monument signs" or "yard signs", as opposed to "institutional signs" or "gas station signs").
- **Temporary Sign Standards by Zoning District.** As much as possible establish standards for temporary and portable signs based on the zoning districts in which signs are located (residential, business, industrial). Also, it is important to ensure the standards are based on sign type and structure, rather than the message it conveys, e.g. regulate "A-frame signs" or "feather signs", as opposed to "real estate signs" or "community event signs".
- **Temporary Signs in Public Right-of-Way.** Ensure that the rules for the placement of signs in the public right-of-way are consistently applied to all types of temporary or portable signs.
- **Regulate with Consistent Language.** Ensure that all words and phrases are clearly defined to enable consistent understand and application of the sign regulations.
- **Severability.** Include a severability clause for the sign regulations as well as for the entire Zoning Bylaw.
- **Engage Community Interests.** Continue to engage diverse community interests, such as business owners, sign makers and installers, residents, community groups, etc. in the process of drafting new sign regulations. The Town has already initiated this outreach through the stakeholder interviews and the community forum.
- **Enforcement or Suspension of Existing Content-Based Regulations.** As documented below, the existing sign regulations include some content-based sign regulations. It is recommended that Town Department of Planning and Community Development staff consult with the Town's legal counsel to determine if enforcement of the existing sign provisions should be suspended (especially the enforcement of content-based standards) until the Sign Regulations are updated and the content-based issues are resolved.

C. Arlington Master Plan – Goals and Implementation Strategies

In 2015, the Town adopted the Master Plan establishing a community-supported vision, policies, and implementation measures to achieve that vision. Three chapters in the Master Plan include specific goals and recommendations that are applicable to the Sign Regulations Update (i.e., Land Use, Economic Development, and Historic and Cultural Resource Areas).

1. Land Use

The Land Use chapter supports policies to shape Arlington's future development, and to preserve, protect, and enhance the current quality of life. Goals that apply directly to and affect the implementation of updated sign regulations include:

- **Goal 2:** Encourage development that enhances the quality of Arlington's natural resources and built environment.
- **Goal 3:** Attract development that supports and expands the economic, cultural, and civic purposes of Arlington's commercial areas.

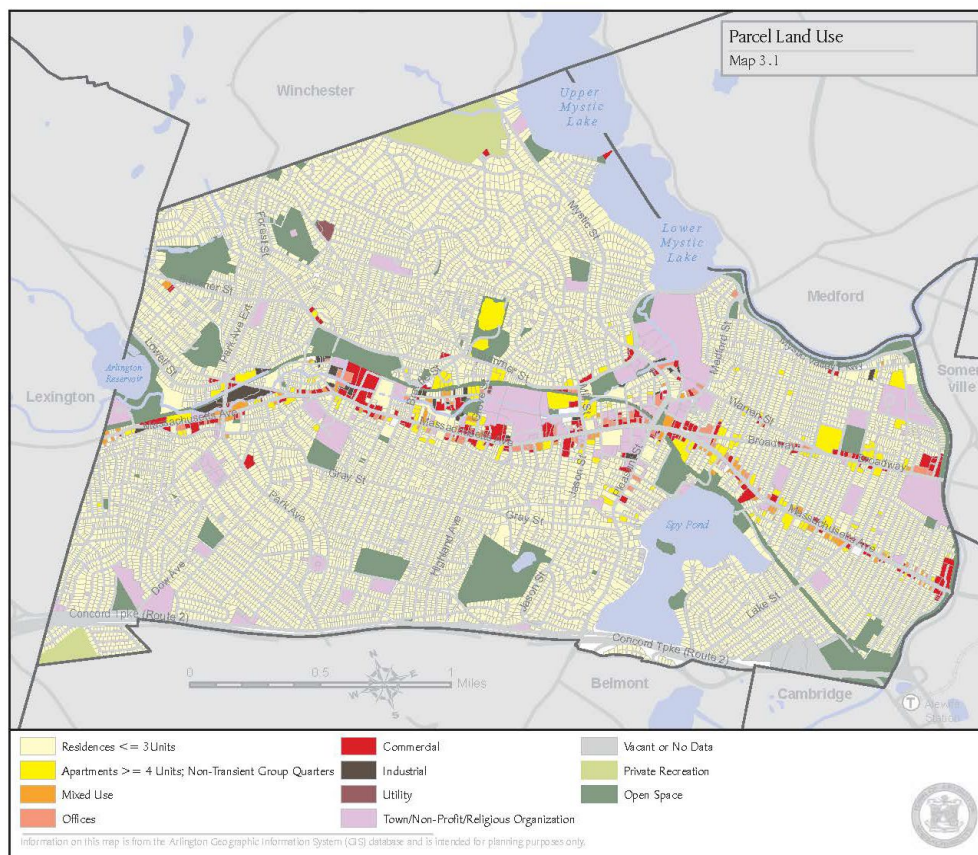


Figure C.1: Map of Land Use Categories in Arlington

2. Economic Development

The Economic Development chapter supports policies to strengthen the local economy, expand the community's tax base, and provide public services and shopping options for residents. Goals that apply directly to and affect the implementation of updated sign regulations include:

- **Goal 1:** Support conditions that benefit small, independent businesses.
- **Goal 3:** Promote Arlington's historic and cultural assets as leverage for economic development.

3. Historic and Cultural Resource Areas

The Historic and Cultural Resource Areas chapter supports policies to preserve Arlington’s rich community character and heritage. Goals that apply directly to and affect the implementation of updated sign regulations include:

- **Goal 1:** Maintain, protect, preserve, and promote historic and diverse cultural resources in all neighborhoods.
- **Goal 2:** Provide attractive, well-maintained spaces for residents to meet, play, and grow.

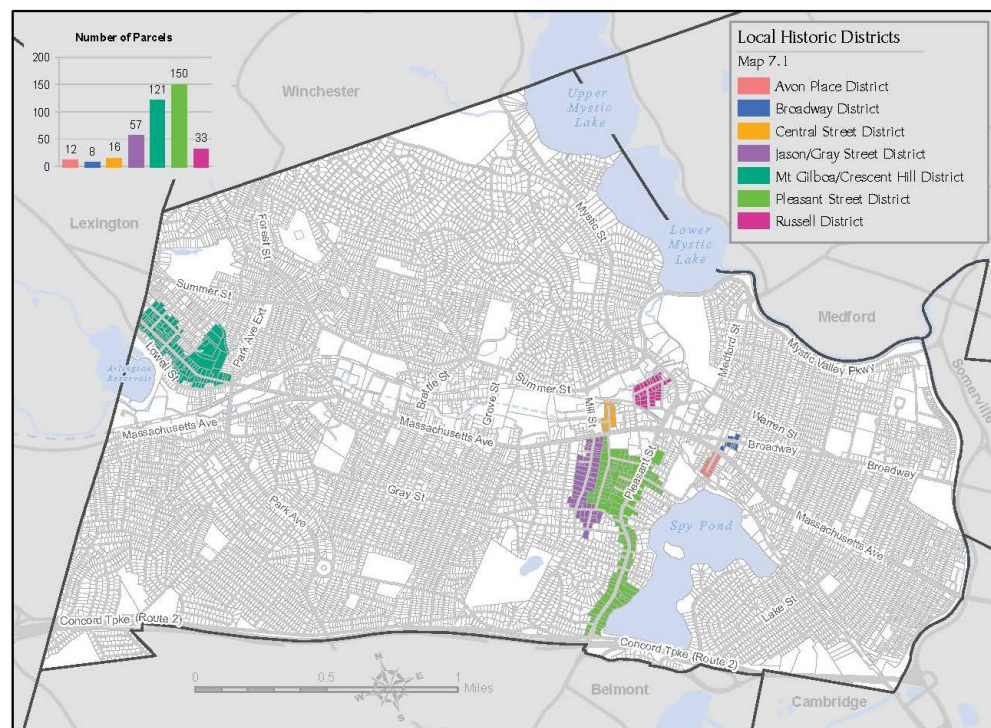


Figure C.2 – Arlington’s Local Historic Districts

D. Analysis of Existing Sign Regulations

The Town of Arlington's sign standards are located in Section 6.2 (Signs) of the Zoning Bylaw. The existing provisions of this Section have been reviewed and analyzed in the order in which they are found in the current Zoning Bylaw, as documented in the table below.

Table D.1: Existing Section 6.2 (Signs)	
Section	Purpose
Section 6.2.1: Purpose	Describes the purpose of the Section.
Section 6.2.2: Applicability	Describes the signs to which the standards of Section 6.2 (Signs) apply.
Section 6.2.3: Administration	Defines the Building Inspector as the authority to issue sign permits.
Section 6.2.4: General Regulations	Establishes general standards and restrictions for all signs.
Section 6.2.5: Prohibited Signs	Describes the sign types which are prohibited from being permitted, constructed, erected, or maintained.
Section 6.2.6: Signs Permitted in Any R District	Establishes standards for signs within any R (Residential) district.
Section 6.2.7: Bed and Breakfast Signs	Establishes standards specifically for bed and breakfast uses.
Section 6.2.8: Signs Permitted in Any B, I, or PUD District	Establishes standards for signs within any B (Business), I (Industrial), or PUD (Planned Unit Development) district.
Section 6.2.9: Special Controls by Zoning District	Establishes specific restrictions for certain districts in addition to those required by Section 6.2.8 and 6.2.9.
Section 6.2.10: Sign Permits and Maintenance	Describes the process for issuance of a sign permit and grants authority to the Building Inspector for sign repair or removal.
Section 6.2.11: Special Permits	Establishes special permit processes for greater allowances than what is permitted under Section 6.2 (Signs).
Section 6.2.12: Nonconforming Accessory Signs	Establishes standards for nonconforming accessory signs.
Section 6.2.13: Non-accessory Signs	Establishes standards for non-accessory (billboards and off-premise) signs.



The existing provisions of Section 6.2 (Signs) were reviewed and analyzed in the order they are found in the current Zoning Bylaw. Analytical comments, suggestions, and recommendations are identified by *italic* font. A response/acknowledgement of comments from Town staff on the Administrative Draft of this report is identified by **blue font**. A small town logo identifies where further discussion and direction is needed on certain issues. The recommendations frequently refer to the need for a new section to be included in the updated sign regulations. An overview of the recommended Table of Contents is included in Section H (Proposed Table of Contents).

The updated sign regulations will continue to reside in Section 6.2 (Signs) of the Town of Arlington Zoning Bylaw. It is our understanding that the final draft of the sign regulations will be created in MS Word and delivered to the City as both MS Word and PDF files and that City staff will format the final Code for online publication. LWC will coordinate with Town staff in early December on the appropriate font size and style to use in the sign regulations, as well as the use of language, terminology, etc. to ensure consistency with the existing Zoning Bylaw.

SECTION 6.2 (SIGNS)

Subsection 6.2.1: Purpose

This Subsection establishes the purpose of the sign regulations with five general statements.

- *This Subsection will be expanded and updated to ensure consistency with the Reed case and will include, for example, confirmation of the Town's intent to regulate signs in a content-neutral manner.*
- *A new Authority Subsection will be included before the Purpose Subsection to confirm that Section 6.2 (Signs) will implement Arlington's sign policies and applicable state and local requirements.*

Subsection 6.2.2: Applicability

This Subsection establishes that the standards of Section 6.2 (Signs), unless specifically excluded, apply to all outdoor signs and window signs.

- *This Subsection will be expanded and broadened to include:*
 - *A statement that the sign regulations apply to all signs within the Town limits;*
 - *A cross-reference to the permanent and temporary/portable sign sections of the updated sign regulations;*
 - *A new provision referencing the right to picket or protest (New); and*
 - *A new Subsection - Substitutions and Interpretations – to address that commercial speech is not favored over non-commercial speech (New).*

- *A new Subsection – Exemptions – will provide limited exemptions from the sign standards, including as confirmed by Town Counsel, a municipal exemption.*

Subsection 6.2.3: Administration

This Subsection establishes the Building Inspector as the authority to issue sign permits. It also establishes that the Board of Appeals or Arlington Redevelopment Board (ARB) may grant approval of a special permit under Subsection 6.2.11 (Special Permits) for activities subject to Section 3.4 (Environmental Design Review)

- *This Subsection will be renamed to a new Administration and Procedures Subsection, and it will retain much of this Subsection's content and incorporate information on permitting from the existing Subsection 6.2.10 (Sign Permits and Maintenance). Confirmed by Town staff.*
- *Town staff have confirmed that this Subsection will be expanded to include a table defining the review authorities who issue sign permits and special permits.*
- *We recommend that separate permitting processes for temporary signs and permanent signs should be established.*
- *As discussed with Town staff, we will draft administrative procedures for sign permits that clearly describe the steps in the process, and which official(s) or review authorities have responsibility for reviewing and issuing permits for signs. Town staff have confirmed that the current process will be maintained with the Building Inspector having primary sign permit review and issuance responsibility with review support by the Director of Planning and Community Development (Director). However, final approval authority for larger signs and those subject to a Sign Program (if this idea is supported) could be reviewed by the ARB.*
- *Sign Programs – Town staff have confirmed their support for the idea of allowing a Sign Program that may allow alternative sign design, and if desired, increased sign height and area allowances for certain uses (see the next paragraph). While Sign Programs allow more sign entitlements to a property owner/business owner, they may be approved by the Director (as is the case in Flagstaff, AZ) or where a higher level of scrutiny is desired, could be approved by a review authority such as the ARB. Town staff also confirmed that Sign Programs should be reviewed by the ARB.*
- *Further, a new section will be added to the sign regulations that provides ideas for incentivizing good sign design using a Comprehensive Sign Program approach. Examples of different approaches to incentivizing good sign design from two cities are included in Appendix 1 (Two Options for Comprehensive Sign Programs) for consideration. The first is from the City of Flagstaff, AZ which used a very comprehensive approach where sign quality and attention to detail is highly valued in the community, while the second is from the City of Lompoc, CA which is a simpler and less complicated approach.*



- *This Subsection will include an appropriate cross-reference to application procedures and fees in Section 3 (Administration and Enforcement), and Sections 3.3 (Special Permits) and 3.4 (Environmental Design Review) of the Zoning Bylaw. Confirmed by Town staff.*
- *Rather than including penalties specific to the enforcement of violations for temporary or permanent signs in the sign regulations, Town staff has confirmed that a cross-reference to Section 3.1 (Building Inspector; Enforcement) and existing penalties in the Zoning Bylaw or Town Bylaws will be included.*

Subsection 6.2.4: General Regulations

This Subsection describes general standards and restrictions for all signs (specific regulations organized by districts are in separate sections), and it covers a wide variety of standards and regulations that will be reorganized within the updated sign regulations. These include, for example, standards for many different types of signs, uses, and districts as well as standards related to time frames, sign illumination, sign area and other dimensions, and specific exemptions.

- *The content-based regulations for uses such as membership clubs, community facilities, funeral establishments, public utilities, places of public assembly, premises for sale or lease, and home occupation signs, and content-based sign standards (e.g. construction project signs, standards specific to the amount of commercial sponsorship, or standards for religious uses) will be eliminated and rewritten to ensure consistency with the Reed v. Town of Gilbert case.*
- *With the proposed reorganization of the sign regulations, the standards in this Subsection that will be retained will be incorporated into new Subsections (see Section G (Proposed Table of Contents)). Some examples are provided below:*
 - *The prohibition of red and green lights will be incorporated into a new Display Restrictions Subsection.*
 - *Illumination standards will be expanded and updated and included in a new Sign Illumination Subsection. Town staff have confirmed that one option would be to only allow neon in window signs, rather than on building mounted permanent signs. The standards will also allow the use of back-lit individual letter signs.*
 - *Standards for permanent signs will be arranged by sign type (e.g. freestanding signs and building mounted signs) with standards for individual sign types (e.g. pole signs, monument signs, directory signs, windows signs, etc.) organized in simple and easy-to-read and apply tables.*
 - *Standards for building mounted signs for basements will be included in a new Permanent Sign Subsection with standards specific to building mounted signs.*
 - *A new Subsection will include all the standards specific to temporary (i.e. wall banners) and portable (i.e. A-frame signs, yard signs, feather signs, etc.) signs.*

By way of an introduction to the following sections of the existing sign regulations, we recommend establishing two new major Sections in the updated sign regulations for Permanent Signs and Temporary Signs. This is important because based on the *Reed* decision - which was mostly germane to temporary signs - a higher standard of judicial review (strict scrutiny) applies to temporary signs than it does to permanent signs where only intermediate scrutiny may be applied. This approach is further explained in the narrative below:

Table 17.108.060.A: Permanent Sign Standards for All Residential Zones ^{1, 2}						
Sign Type	Maximum Number ³	Maximum Area	Maximum Height	Lighting Allowed?	Permit Required?	Additional Requirements
Flag	1 per parcel	35 sf	limited to the zone’s allowable building height	external	yes	17.108.060.C.3.f
Monument Sign	1 per street frontage ⁴	24 sf	5 feet	Limited, external, down-directed	yes	17.108.060.C.4
	1 per parcel ⁵	4 sf	3 feet		no	
Wall Sign	1 per street frontage ⁴	24 sf	Not displayed above the second story	Limited, external, down-directed	yes	17.108.060.C.9
	1 per parcel ⁵	4 sf			no	

¹ Not allowed in the R-1 or R-2 zones unless approved with a precise development plan.

² Parcels in the MU Zone that contain only residential uses shall be subject to the standards in this Table.

³ Additional signs may be allowed if approved with a Sign Program.

⁴ Allowed for signs identifying a multi-family building or complex by name and/or address. Only one 24 square foot sign is allowed per street frontage, which may be either a wall or monument sign.

⁵ Allowed for signs identifying or providing direction to the manager’s office of a multi-family building or complex or similar directional signs.

Figure D.1. Example of a table providing standards for permanent signs for all residential districts

- The Permanent Signs Section will be generally organized into residential zoning districts, business zoning districts, industrial zoning districts with further breakdowns by zoning district as needed. Some districts, such as the Multi-Use (MU) District or Open Space (OS) District will not be grouped with other districts. These are sometimes referred to as "sign districts", the composition of which will be determined with Town staff. *The standards will follow the existing use types established in the Zoning Bylaw.* As an organizing principle, it is good to provide broad standards for sign height and sign area that apply by zoning district (or as needed by use). Note that the actual method of determining sign area or height will be placed elsewhere in the updated Sign Regulations in the General Requirements for All Signs Section. These standards would establish the maximum height and area limitations within each zoning district for building

*mounted and freestanding signs and would be established in a single table. Portions of two example tables are inserted below. One of the tables from the City of Lompoc, CA (Figure D.1 above) utilizes district-based distinctions only, while the other table from the City of Flagstaff, AZ (Figure D.2 on the following page) includes districts and use-based distinctions for these standards. **Town Staff support the Flagstaff approach to allow more signage for institutional uses in residential districts than would otherwise be permitted for a residence.** This will be consistent with the provisions of the Dover Amendment applicable in Massachusetts and will enable the Town to provide separate regulations in residential zoning districts for signs for institutional uses.*

- *Once the maximum area for signs for a building or property is established, then any combination of sign types that are either building mounted or freestanding may be allowed, provided the maximum area limitation is met. Separate tables will precisely define the standards applicable to each sign type. Recommendations on what sign types are appropriate based on the character and context of various areas of the Town will also be developed.*
- *The approach for improved organization suggested above will help to simplify and better organize the standards. As much as possible the existing standards included in Sections 6.2.4 through 6.2.9 specific to permanent signs will be carried forward into the updated sign regulations, although as needed, new or updated standards will be proposed.*
- *It is also recommended that some allowance for “incidental signage” on buildings and structures should be included in the updated sign regulations to address, for example, exit signs, warning signs, credit card signs, etc.*

Table 10-50.100.060.A: Standards for Permanent Signs by Use				
Land Use	Allowed Sign Types	Number of Signs ¹	Max. Ht. (in ft.)	Max. Area (sq. ft.)
Single-family Residential or Duplex (includes Home Occupations and Bed and Breakfasts)				
	Building Mounted	1 ²	6	6
	Freestanding	1 ²	3	6
Single-family Subdivision, Multi-family Developments, Manufactured Home Parks				
	Building Mounted	1	4	2
	Freestanding	1 ³	6	24
	Landscape Wall	1 ³	4	24
Master Planned Communities				
	Building Mounted ⁴	N/A	N/A	N/A
	Freestanding	1 ³ per major vehicular entrance	8	36
	Landscape Wall	1 ³ per major vehicular entrance	8	36
Institutional Use in all Zones				
	Building Mounted ⁴	1	6	24
	Freestanding	1 ³	4	32
	Landscape Wall	1 ³	4	32
Non-Residential Use in Commercial or Industrial Zone – Live/Work, Single Tenant Building, and Detached Buildings within a Multi-Tenant Development or Shopping Center⁵				
	Building Mounted – Single Frontage ⁴	Limited by max. sign area	25	1 sq. ft. to 1 linear ft. of primary building frontage - 100 sq. ft. max.
	Building Mounted – Multiple Frontages ⁴⁶	Limited by max. sign area	25	1 sq. ft. to 1 linear foot of primary building frontage – 100 sq. ft. max. 1 sq. ft. to 0.5 linear foot of auxiliary building frontage – 80 sq. ft. max.

Figure D.2: Portion of a table providing standards for permanent signs for various districts and uses within districts

Subsection 6.2.5: Prohibited Signs

This Subsection describes sign types which are prohibited from being permitted, constructed, erected, or maintained.

- *Portable signs are prohibited by the existing sign regulations. As discussed with Town staff, we recommend that portable signs should be allowed in content-neutral sign regulations consistent with the Reed v. Town of Gilbert case. As noted previously, a new section with standards for portable and temporary signs will be created.*
- *Certain regulations in this Subsection are less a prohibition of a specific sign “type” and more a restriction on a sign’s location or display. These standards will be incorporated into new Display Restrictions and Location Restrictions sections.*
- *“Signs painted or posted directly on the exterior surface of any wall” are prohibited by the existing sign regulations. As discussed with Town staff, painted signs can be allowed and implemented in a way that complements neighborhood character. We recommend that the Town allow painted signs, perhaps with an area incentive, and that this sign type will be added into the Permanent Sign Subsection.*
- *All content-based regulations in this Subsection, e.g. “signs in the R, B1, and OS districts containing a registered trademark” will either be rewritten or removed in the updated sign regulations.*
- *Signs projecting into public right-of-way. Town staff have confirmed the preferred approach is to allow projecting signs in all business zones, maintaining the clearance requirements established in Section 6.2.9E.*

Subsection 6.2.6: Signs Permitted in Any R District

This Subsection establishes sign standards for unlighted permanent signs for permitted uses, except for a residence or home occupation, in Residential Zoning Districts.

- *The sentence in this Subsection is a good example of a poorly constructed sentence that will be rewritten and clarified.*
- *Exempting residences and home occupations from the ability to install a sign based on their use is problematic relative to the Reed case. In our experience, very few home owners install permanent signage, except if allowed, for a home occupation. Town staff have confirmed that permanent signs should be permitted in Residential Districts. The updated standards will be drafted to allow limited building mounted signs (this could include small wall or window signs) and possibly limited freestanding signs (e.g. a small freestanding projecting sign) in Residential Districts. As noted below, this would also allow a bed and breakfast in a Residential District to have a small amount of signage.*

Subsection 6.2.7: Bed and Breakfast Signs

This Subsection establishes sign standards for bed and breakfasts in any zoning district.

- *This is another example of a content-based regulation no longer permitted post-Reed. Using the recommendation suggested above, standards for permanent signs in Residential Districts should be written in a content-neutral manner to allow signs for any use, including bed and breakfasts, home occupations, etc.*
- *Town staff have confirmed that illuminated signs with appropriate standards will be permitted for bed and breakfast uses.*

Subsection 6.2.8: Signs Permitted in Any B, I, or PUD District

This Subsection establishes several sign allowances for properties located in the Business (B), Industrial (I), or Planned Unit Development (PUD) Zoning Districts. Business or industrial establishments are limited to two permanent signs that may be freestanding or attached, excluding window signs, directional signs, directories, marquees, and awning signs.

- *Standards for permanent signs will be placed in a table that establishes the maximum standards for sign area and how it is determined, maximum sign height and the maximum number of signs for each district or groups of zoning districts.*
- *Similarly, standards for permanent signs will be arranged by sign type (e.g. freestanding signs and building mounted signs) with standards for individual sign types (e.g. marquees, monument signs, directory signs, window signs, etc.) organized in simple and easy-to-read and apply tables.*
- *The existing regulations allow marquee signs for a public theater entrance. This allowance would be considered content-based under Reed v. Town of Gilbert and will be revised to allow marquee signs for any use in the appropriate district.*

Subsection 6.2.9: Special Controls by Zoning District

This Subsection establishes special restrictions for properties located in specific zoning districts. The R6, R7, B1, B2, B3, B4, B5, I, PUD, T, MU, and OS zoning districts are all listed in various groupings with standards for permanent wall, “bracket”, or freestanding signs, and in some cases such as “auto service stations”, sign standards are established by use.

- *Standards for permanent signs will be placed in a table that establishes the maximum standards for sign area and how it is determined, maximum sign height and the maximum number of signs for each district or groups of zoning districts.*
- *Similarly, standards for permanent signs will be arranged by sign type (e.g. freestanding signs and building mounted signs) with standards for individual sign*

types (e.g. pole signs, monument signs, directory signs, windows signs, etc.) organized in simple and easy-to-read and apply tables.

- *The regulations establishing limitations on trademarks or specific commodities for sale are content-based regulations, and as discussed with Town staff will be rewritten.*
- *This Subsection does not consistently regulate sign placement across different zoning districts. Certain districts (e.g. B1, B2, T, MU Districts) do not have requirements on sign placement for a street frontage or parking lot, while others do. The updated sign regulations will include sign placement standards based on the sign type and the district in which the sign is located.*
- *This Subsection uses sign terminology that will be refined and standardized in the updated sign regulations. For example, a “bracket sign” is more commonly known as a “projecting sign”.*
- *The existing regulations establish standards for signs on gas pumps. Consistent with Reed, all references to signs specific to an automobile service station and to elements within the service station will be removed to ensure the updated sign regulations are content neutral. A new sign type, Service Island Canopy Sign, will be added. Further, it is recommended that sign standards specific to gas pumps are not needed and may be removed.*
- *This Subsection allows that a kiosk intended to serve community needs may be substituted for a freestanding sign in the OS District. Commercial advertising is prohibited on the kiosk except for a limited amount of signage for a sponsor. Town staff and Town Counsel have recommended that any limitations on commercial signage in parks and schools should be excluded from the sign as these are a policy rather than a zoning matter.*

Subsection 6.2.10: Sign Permits and Maintenance

This Subsection describes the process for issuance of a sign permit and grants authority to the Building Inspector for sign repair or removal.

- *The existing regulations describing the sign permitting process (Sections 6.2.10.A – 6.2.10.C) will be moved to a new Administration and Procedures Subsection.*
- *The existing regulation describing sign maintenance requirements (Section 6.2.10.D) will be expanded and moved to a new Maintenance Subsection.*
- *This Subsection assigns responsibility for the review and issuance of sign permit application to the Building Inspector with the opportunity of review and comment by the Director. As discussed with staff based on comments received through the stakeholder interviews, it has been suggested that the sign permitting process should be updated and streamlined to reduce the amount of time required to issue a sign permit. Town staff have confirmed that of the two options originally provided to staff, Option 1 would best satisfy the Town’s needs. This Option will be codified, and explicit procedures will be included in the updated sign regulations to ensure they are as clearly described as possible.*

- **OPTION 1:** *Maintain the current process with the Building Inspector maintaining primary sign permit review and issuance responsibility with review support by the Director. Town staff have confirmed that Option 1 is the preferred option.*
 - *Under this option, the Building Inspector accepts the sign permit application.*
 - *The Building Inspector conducts a review of the application and then transmits a copy to the Director for review of such elements as the sign's location, size, color, lighting, etc.*
 - *Within 14 days the Director will submit comments back to the Building Inspector.*
 - *The permit may either be either issued by the Building Inspector if it complies with applicable standards, issued with conditions of approval to resolve deficiencies, or returned to the applicant for corrections, in which case a resubmittal following this process will be required.*
 - *If corrections are required, additional time will be needed for the permit review by either one or both review agencies.*
- **OPTION 2:** *Revise the process so that the Director has primary sign permit review and issuance responsibility with only structural review provided by the Building Inspector. Town staff have confirmed this Option will not be pursued.*
 - *In this option the Director would accept the sign permit application and commence a review of applicable standards.*
 - *Only if the sign requires a structural review (i.e. it is over certain area or height parameters as established by the Building Inspector) would be it transmitted to the Building Inspector for review. Potentially, therefore, many sign permit applications could be reviewed only by the Director which could reduce the amount of permit processing time.*
 - *The permit may either be either issued by the Director if it complies with applicable standards, issued with conditions of approval to resolve deficiencies, or returned to the applicant for corrections, in which case a resubmittal following this process will be required.*
 - *If corrections are required, additional time will be needed for the permit review by either one or both review agencies.*

Subsection 6.2.11: Special Permits

This Subsection establishes a special permit process for certain circumstances in which the Board of Appeals or Arlington Redevelopment Board may allow greater

allowances (i.e. more than the number of signs or larger sign area) than what is permitted under Section 6.2 (Signs).



- *The existing regulations of this Subsection will be moved to a new Administration and Procedures Subsection.*
- *We assume that this process is used on occasion and that it will be retained in the updated sign regulations. While this permit is similar to a typical variance, Town staff and Counsel have confirmed that this process should be retained as a "special permit", rather than as a variance. With confirmation from Town staff specific criteria may be added to the special permit procedure to make the decision process more objective.*

Subsection 6.2.12: Nonconforming Accessory Signs

This Subsection establishes regulations for nonconforming accessory signs.

- *This Subsection will be included in a new Nonconforming Signs Subsection.*
- *Town staff have confirmed that the term "accessory" will be removed as it appears this Subsection applies to all nonconforming signs and not just "accessory" signs*
- *As confirmed by staff, the existing regulations for nonconforming standards will be maintained. However, additional clarifications and options for expanding the nonconforming sign section based on current best practices will be included in the Administrative Draft of the updated sign regulations.*

Subsection 6.2.13: Nonaccessory Signs

This Subsection establishes standards for non-accessory signs, which broadly include "a billboard, sign, or other outdoor advertising device" except for signs exempted under General Law 93, Sections 30 and 32.



- *The existing regulations do not include a definition for "nonaccessory sign". We understand from staff that these are typically signs which have no relation to the lot on which they are placed.*
- *Typically, these signs would be referred to as "off-premise signs" in most U.S. jurisdictions, and they are not typically allowed. Further discussion with staff is recommended to review this Subsection in detail so that we can better understand if the Town wants to allow the continued use of off-premise signs and whether to allow or prohibit billboards. Also, as noted below, Town Counsel has confirmed that the Billboard and Signs section in the Town Bylaws will be moved into the updated sign regulations with the exception of Paragraph J. which grants certain authority to the Select Board.*
- *It is LWC's understanding that there has been case law in the past few years that may supersede the provisions in the existing sign regulations. A discussion/review by the Town legal counsel on nonconforming signs is recommended.*

Other General Recommendations and Considerations

- *Town staff have confirmed that the title of the updated sign regulations should remain as “Signs”, rather than the “Sign Code” or “Sign Regulations”.*
- *With the update of the sign regulations, existing language and terminology will be refreshed, updated, and modernized consistent with established code writing best practices. Some examples of how this will be accomplished include:*
 - *Terms such as “thereof” and “such” will not be used.*
 - *“Must” will be used to impose a condition (e.g., standard) and “shall” will be used to impose a duty. (e.g., The Director shall review all applications for a sign permit).*
 - *References to departments and department directors will be updated to reflect the current organizational structure of the Town, e.g. we will refer to the “Police Chief” rather than “Director of Police Services”. Town staff will provide additional clarification of these titles at the appropriate time.*
 - *The regulations will be written to be gender-neutral to that reference to his/her role when referring to an individual review authority is not necessary.*
- *The current sign regulations lack illustrations and photographs to clarify standards and how they are applied. It is recommended that illustrations and photographs should be inserted throughout the regulations to make them user-friendly and easier for Town staff to explain, interpret, and apply. For example, illustrations will be inserted showing how sign height and sign area for all types of signs (including perhaps 3-D signs) are measured, as well as examples of well-designed signs.*
- *The text will be simplified, duplicative text will be removed, and appropriate cross-references will be checked and inserted.*
- *While many of the standards included in this Section are appropriate, they are poorly organized and incomplete. Most of these standards will be included in the updated sign regulations and reorganized into relevant sections based on the updated Table of Contents (see Section G, Proposed Table of Contents).*
- *Recommendations for updating and expanding the Design Guidelines section to ensure the highest level of design quality, while at the same time providing the flexibility to encourage creativity in sign design, will be included.*
- *As discussed with Town staff, a simple regulation allowing signs on vehicles, but prohibiting the parking of a vehicle in a manner that it acts as a sign for a business will be inserted.*
- *Electronic Message Centers – these signs are becoming more popular and are being utilized by many businesses as there is some evidence that they can provide economic benefit when they are used. New standards for Electronic Message Center (EMC) signs may be included in the updated sign regulations pending further discussion with Town staff on whether these should be limited to certain commercial zoning districts, what standards should be included to limit the area of the EMC on a freestanding sign or the brightness of the sign), how they would*





be approved (e.g. under a Sign Program), or whether they would be allowed for certain institutional uses (e.g. places of worship and assembly) under Massachusetts's Dover Amendment.

- *Government flags and emblems – The current sign regulations do not regulate government flags (i.e. national, state, local government, military, etc. flags) and under what conditions they may be flown. As flags may be considered “ideological signs” the Town could either continue to be silent on government and state flags in the sign code or they could be included as exemptions. Further discussion with Town staff and Town counsel on this question is recommended.*
- *Public or community bulletin boards – some residents/business owners suggested that community bulletin boards should be allowed in various business districts. Community bulletin boards maintained by the Town could be added as an exemption into the sign regulations. (“Signs posted on a community bulletin board must not exceed 11 x 17 inches.”). We know of one community where the bulletin boards were made in the local high school wood shop and installed by City code enforcement staff and volunteers from the local Chamber of Commerce. The program has been in place for over 5 years now and is extremely effective and easy to manage.*
- *Minuteman Bikeway – following Trip 1 to Arlington in December 2018 and a visit to the Minuteman Bikeway, a recommendation on how to regulate signs facing and within the Bikeway right-of-way will be formulated.*

Sign Regulations – Located in Zoning Bylaws or Town Bylaws

Town staff have requested that we include a recommendation on whether the updated sign regulations should be located in the Zoning Bylaw or the Town Bylaws. We recommend that the sign regulations will remain in Section 6.2 (Signs) of the Zoning Bylaw for these reasons, a decision that has been confirmed by Town staff:

- It is a typical national practice to include a community's sign regulations in the zoning code (Zoning Bylaw) than to include them in the municipal code (Town Bylaws).*
- Town staff have confirmed that the Building Inspector, who is charged with the administration and enforcement of the Zoning Bylaw, will retain primary responsibility over sign review. Therefore, it makes sense for sign procedures and enforcement to remain within the Zoning Bylaw.*
- Including the sign regulations in the Zoning Bylaw will make it easier to cross-reference to other zoning standards, such as zoning districts or applicable administrative procedures.*
- Familiarity and ease of use – Town residents and business owners are used to reviewing the sign regulations in the Zoning Bylaw.*
- The Town has historically regulated signs in the Zoning Bylaw rather than the Town Bylaws.*

- f. *Regulation of signs is more closely related to community or neighborhood character than it is to general public health and welfare.*

Additional Recommendations for Portable/Temporary Signs

- *As noted previously, it is important to make a distinction between permanent and temporary/portable signs because, based on the Reed decision which was mostly germane to temporary signs, a higher standard of judicial review (strict scrutiny) applies to temporary signs than it does to permanent signs where only intermediate scrutiny may be applied.*
- *It is recommended that a substantially different approach to the updated sign regulations should be taken to ensure that all portable/temporary sign types are regulated under the same time, place, and manner regulations, regardless of the sign's message. In other words, temporary real estate signs, campaign signs, or commercial advertising signs must be regulated in the same way. Further, as the Town's current regulations for temporary signs are limited, additional clarification and expansion of the standards is recommended.*
- *Regulations for temporary or portable signs should, therefore, be placed into a separate section of the updated sign regulations which will be organized as follows:*
 - *Include a separate and clearly written Purpose Subsection that specifically applies to temporary/portable signs.*
 - *For the purpose of this Subsection a temporary sign would include a wall banner (because it is a de facto wall sign and cannot be easily removed when a business closes), and thus the only temporary sign type for which a permit may be required to control the length of time that it is displayed).*
 - *Portable signs on the other hand would include sign types that are not permanently attached to the ground, such as A-frame signs, yard signs of various types that we typically define as Yard Signs, Types I, II, and III (see Figures D.3 and D.4), feather banners, umbrellas, etc. **Town staff have confirmed that certain types of portable signs, e.g. wind signs or feather banners, will be prohibited, consistent with the existing prohibitions established in the Zoning Bylaw.***
 - *Similarly, we would appreciate direction from Town staff on whether balloons and balloon displays should be permitted as the current code is silent on them. The use of balloons may be prohibited, or only allowed as part of a Temporary Use Permit for a use. Further discussion with, and direction from, Town staff is recommended as it is the display of the balloon, rather than any message written on the balloon, that is really the issue.*
 - *Include new and updated regulations applicable to all temporary/portable signs. These could include that only wall banners require a permit, a statement that portable signs are not subject to time limitations (only banners are), and location regulations for these types of signs.*





Figure D.3 – Examples of Type I and Type II Yard Signs



Figure D.4 – Example of a Type III Yard Sign

- *Standards specific to portable signs, arranged as a series of easy-to-use tables, will include time, place and manner standards for portable signs organized by zoning district, including for example, standards for period of use, prohibited elements, design and construction, number of signs, areas of signs, etc.*
- *The standard for area of signs is important because the regulations would establish a maximum area for all portable signs that would be allowed on a parcel. As the maximum area for each type of portable sign is regulated, it would then be easy for Town staff to determine if too many signs are erected at any one time. As the message/content of the portable signs is not regulated, provided the maximum area limitation is satisfied, any combination of signs with an ideological, political, or commercial message may be displayed at any one time.*
- *Similar to the approach for permanent signs, tables will be inserted that provide base standards by zoning district and for the height, width, area and other standards applicable to individual temporary and portable signs. A separate table would be inserted with standards for temporary wall banners. A new standard requiring the removal of a temporary or portable sign after an event or the purpose for which the sign was displayed has ended will be added. Examples of these tables – Figures D.5 and D.6 – are provided on the following pages.*

Table 16.07.030-A: Standards for All Portable and Temporary Signs on Private Property	
Applicable to All Zoning Districts	Standard
Placement	Must not create a hazard for pedestrian or vehicular traffic. Must not be placed on a sidewalk or pedestrian pathway. See Table 16.07.030-B (Standards for Specific Portable and Temporary Sign Types).
Height and width	Refer to Table 16.07.030-B (Standards for Specific Portable and Temporary Sign Types) for height and width standards for individual portable and temporary signs.
Prohibited elements	Any form of illumination, including flashing, blinking, or rotating lights. Animation. Reflective materials. Attachments, including, but not limited to, any balloons, ribbons, loudspeakers, etc.
Design and construction	Professionally crafted. Of sufficient weight and durability to withstand wind gusts, storms, etc. Must be maintained. Refer to Subsection 16.04.050.C (Maintenance).
Commercial, Industrial, and Other Non-Residential Zoning Districts	
Period of use	No limitation, except for wall banners and A-Frame Signs. Refer to Table 16.07.030.B (Standards for Specific Portable and Temporary Sign Types).
Area of all portable signs at any one time	Max. 24 SF per business; excludes the area of temporary window signs and temporary wall banner signs.
Number of Signs	Unlimited; except the total sign area of all portable signs must not exceed 24 SF per business. Exception: Multi-tenant shopping centers or offices – Max. 2 portable signs per 150 linear feet of property frontage not to exceed 24 FT combined.
Permitting	Sign Permit is not required, except for wall banner signs.
All Residential Zoning Districts	
Period of use	No limitation.
Area of all portable signs at any one time	Max. 16 SF per lot or parcel.
Number of Signs	Unlimited; except the total sign area of all portable signs must not exceed 16 SF
Permitting	Sign Permit is not required.

Figure D.5 – Example table with standards for temporary/portable signs arranged by zoning district

Table 16.07.030-B: Standards for Specific Portable and Temporary Sign Types				
	Standard			
Portable Sign Type ¹	Height (Max.)	Width (Max.)	Area (Max.)	Zoning District where Allowed
A-Frame Sign	42"	24"	7 SF	Only allowed in non-residential zoning districts.
Additional Standards for A-Frame Signs: <ol style="list-style-type: none"> 1. Must maintain a minimum 4-foot wide pedestrian walkway. 2. Not placed on or over any public street, sidewalk, parking lot, or required landscape area. 3. Only be displayed during business hours and must be removed during non-business hours. 				
Balloons ²³	Not exceed the height limit for the zoning district	18" diameter	--	Only allowed in non-residential zones
Additional Standards for Balloons: <ol style="list-style-type: none"> 1. Permitted in conjunction with an allowed special event, as defined in Chapter 10.64 of the Chino Municipal Code. 2. Must only consist of individual balloons tied to a stationary object, a balloon arch anchored on each end, or other similar forms of display. 3. Must always be maintained in original display conditions. 4. Must not be cut loose or allowed to fly freely. 5. Balloons shall be maintained in original display conditions at all times. 6. Balloons shall not be cut loose or otherwise be allowed to fly freely. 				
Balloon Displays	20 FT or above a roofline	18" in diameter	–	Only allowed in the Auto Mall Zoning District in the Eucalyptus Business Park and for new and used vehicle sales uses
Additional Standards for Balloon Displays: <ol style="list-style-type: none"> 1. Balloon displays shall only be allowed in conjunction with an approved Promotional Sale. 2. Must be maintained in original display conditions at all times. 3. Only allowed on Saturdays, Sundays and the following holidays: New Year's Day, President's Day, Memorial Day, Independence Day, and Labor Day. 4. Max. 1 balloon display allowed per business. 5. May be displayed for max. 3 consecutive calendar days. Min. 30 calendar days between display periods. 6. Must be placed on and tethered to the ground and must not be placed on or over any public street, sidewalk, parking lot, or required landscape area. Not allowed on a rooftop. 7. Must always be maintained in original display condition. 8. Must not be cut loose or allowed to fly freely. 				
Yard Sign – Type I	4 FT	2 FT	3 SF	Allowed in all zoning districts.
Additional Standards for Yard Signs – Type I: <ol style="list-style-type: none"> 1. Installed securely in or on the ground. 2. Placed on private property only and not be allowed within any street right-of-way or on any public property. 				

Figure D.6 – Example table with detailed standards for various temporary/portable sign types

E. Analysis of Other Regulatory Codes and Documents

Standards and regulations specific to signs are located in various locations in addition to the sign regulations in the Zoning Bylaw, Section 6.2 (Signs). With many documents dictating the proper administration of signs in Arlington, one of the main challenges of the Sign Regulations Update is to present a coherent and consolidated set of standards, with proper cross-referencing where necessary.

The applicable regulatory documents included for this analysis are the following:

- Definitions (Zoning Bylaw, Section 2)
- Environmental Design Review (Zoning Bylaw, Section 3.4)
- Billboards and Signs (Town Bylaws, Title V, Article 1)
- Historic Districts, Authority of Commission and Limitations Thereon (Town Bylaws, Title VII, Article 4)
- Arlington Board of Selectmen, Policy for Publicity and Promotion (Temporary Sign Policy)
- Arlington Historic District Commissions, Design Guidelines for Local Historic Districts (rev. January 2016)
- Arlington Redevelopment Board Rules and Regulations, Rule 18: Sign Applications and Review Procedures for Administrative Approval.

1. Zoning Bylaws, Section 2, Definitions

Currently all sign-related definitions are located in Section 2, Definitions, of the Town's Zoning Bylaw. We assume that the updated and expanded sign definitions would stay in this Section rather than to be inserted in the updated sign regulations.

As the sign regulations are updated it will be important to consider the following:

- *Ensuring that all definitions are Reed compliant and do not use content-based language, e.g. words that include "advertising message" or "business" will not be used.*
- *Similarly, sign types that are defined by a specific use or activity, such as "construction project sign" (which is included in Section 6.2 but not defined in the definitions) will be excluded.*
- *Most definitions will be updated (e.g. the definition for "sign") and, when needed, new definitions will be inserted. Existing terms that are not typically used anymore (e.g. Bracket Sign) will be replaced with more up-to-date terminology. Definitions for terms that will no longer be used will be omitted.*
- *Any standards that are included in the existing definitions will be removed and included in the body of the updated sign regulations, including for example, rules*

for determining sign height and sign area that will be included in a new Section, General Requirements for All Signs.

2. Zoning Bylaws, Section 3.4, Environmental Design Review

This Section establishes standards for review by the ARB of certain uses and structures that substantially impact the character of the Town and on traffic, utilities, and property values, and that affect the public health, safety and welfare. Temporary, seasonal signage at a fenced athletic field is included among the list of uses and structures (Section 3.4.2.I). Subsection G establishes standards of review for “advertising features”.

- *LWC recommends that these subsections should be updated as needed, and appropriate cross-references to Section 6.2 be inserted. Town staff have confirmed this suggested approach.*

3. Town Bylaws, Title V, Article 1, Billboards and Signs

This Article establishes standards for billboards, signs, and other outdoor advertising devices. Most of the standards included in this Article are duplicated in Subsection 6.2.13 (Nonaccessory Signs) in Section 6.2 (Signs) in the Zoning Bylaw.

- *A standard code writing best practice is not to duplicate standards. We, therefore, recommend that the provisions in this Article be deleted and they be included in an appropriate new Subsection under Permanent Signs for billboards. Town Counsel has confirmed that the Billboard and Signs section in the Town Bylaws will be moved into the updated sign regulations with the exception of Paragraph J, which gives certain authority to the Select Board.*

4. Town Bylaws, Title VII, Article 4, Authority of Commissions and Limitations Thereon

Section 3., Limitations on Authority of Commissions, establishes that the Commissions do not have the power to review “temporary structures or signs”, except that the commissions may establish conditions on duration of use, location, lighting, etc. Section 4., Signs, establishes certain regulations for signs within the Town’s historic districts. In addition to considering the historic and architectural value of buildings, design, textures, and materials, the Arlington Historic Districts Commission is authorized to review and issue certificates for certain signs located within historic districts.

- *Town staff and Town Counsel have confirmed that the contents of this Article will remain in the Town Bylaws with new cross-references to Section 6.2 inserted as necessary.*
- *Examples of appropriate revisions in these sections include eliminating the standards for signs for home occupation requirements and establishing content-neutral standards for these signs, adding the illumination standard to the new,*

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Illumination Section, or referring to pre-existing signs in an updated Nonconforming Sign Section. In the alternative, these standards could be inserted in a new Section that provides all the sign standards applicable within the Historic Districts.

- *As noted previously the prohibition on symbols and trademarks will be removed as it is content-based.*

5. Arlington Select Board, Policy for Publicity and Promotion (Temporary Sign Policy)

This Policy establishes standards for publicity and promotion in Town property, including public structures, street islands, benches, and streetlight poles in public right-of-way. General requirements are included, as well as specific requirements for banners on light poles and at Town Hall, and sandwich boards.

- *LWC recommends and Town staff have confirmed that this policy remain separate from the Zoning Bylaw, Section 6.2 (Signs), as it pertains to public property and right-of-way. Any amendments to ensure consistency with the updated sign regulations will be identified.*

6. Historic Districts Commission, Design Guidelines for Local Historic Districts

This document establishes design guidelines to preserve and protect the distinctive characteristics of Arlington's historic districts. The Arlington Historic Districts Commission is tasked with following these guidelines, which include criteria for permanent and temporary signs (see Subsection VII Specific Design Guidelines G. (Signs)).

- *As confirmed by Town staff, this Section of the Town Bylaws will remain and an appropriate cross-reference from the sign regulations to these guidelines will be included. Further, clarification on whether these standards supersede or are in addition to the regulations in Section 6.2, Signs, would be helpful as the statement that "These rules are in addition to – and to some extent supersede – the Town's general sign by-laws..." is vague and open to interpretation.*
- *Staff noted that there are currently no design guidelines established for the Arlington Center National Register Historic District, but the Arlington Historical Commission still reviews signage within that district. As a result, the process is unclear and unpredictable for applicants. Town staff will attempt to schedule a meeting with the Historic Commission chair to confirm the best process as the Commission may no longer want this review responsibility.*
- *The standards in this section will need to be updated to be consistent with the new sign regulations.*



7. Arlington Redevelopment Board Rules and Regulations, Rule 18: Sign Applications and Review Procedures for Administrative Approval

This document establishes rules for the Arlington Redevelopment Board. Rule 18 specifically applies to sign applications and review procedures by the ARB for administrative approval of sign modifications on properties subject to Environmental Design Review.



- *Town staff have suggested that this Rule may be removed in its entirety. Further discussion with, and direction from, Town staff is, therefore, recommended.*
- *The procedures state that illumination of signs cannot be changed in any manner without a hearing, even to reduce the amount or alter the method of illumination. As this requirement may be burdensome to applicants, and if the provisions of Rule 18 are retained, LWC recommends revisions to allow modifications to sign illumination without requiring review by the ARB.*
- *As window signs seem to be a preferred option for most business owners based on comments received from stakeholder interviews, , and if the provisions of Rule 18 are retained, consideration should be given to removing the prohibition on storefront windows (item 8) of this Rule.*

F. Summary of Community Input

1. Public Engagement Opportunities

Town staff conducted a series of outreach efforts designed to allow Town residents to provide their ideas on the various issues and opportunities presented by the update to the sign regulations. These efforts provided meaningful opportunities for public engagement and helped provide insight into the aspects of the Town's sign regulations that community members wished to maintain, change, or improve. These efforts are listed below as well as a summary of the input received through these efforts.

Community Workshop

On October 29th, 2018, the Town of Arlington Department of Planning and Community Development hosted a community workshop at Ottoson Middle School to inform community members about the project process. This workshop featured a staff presentation on *Reed v. Town of Gilbert* and the need for content-neutrality in sign regulations and allowed attendees to express their ideas on the existing sign regulations. Attendees were also provided a handout with various example sign types and asked to give feedback on whether or not the sign types would be appropriate for the Town.

Stakeholder Interviews

In October, Department of Planning and Community Development staff conducted a series of interviews with stakeholders with an interest in the Sign Regulations Update. All stakeholders have direct experience with the existing sign regulations, and sign issues in general in the Town, and shared their thoughts and observations in an informal discussion with guiding questions provided by staff.

These stakeholders represented the following local groups or organizations:

- Chamber of Commerce
- Arlington Tourism and Economic Development Committee
- Conservation Commission
- Parks & Recreation Commission
- Inspectional Services staff
- Commercial business owners
- Signage companies
- Attorneys-at-law
- Design professionals
- Real estate professionals

2. Summary of Issues

The general themes, issues, and comments provided by the participants in the community sign forum and stakeholder interviews are summarized below. Detailed comments recorded by Town staff and grouped into specific categories have been submitted to Town staff.

Permanent Sign Standards

- a. Mixed opinions on Electronic Message Centers (EMCs). Some supported the use of EMCs for institutional uses. Others supported their use in commercial zoning districts – it is important to control their brightness and insert other regulations, so they do not create traffic distractions. Some opposed their use.
- b. Painted wall signs – some people supported these as an appropriate sign type in Arlington, whereas others did not.
- c. Window signs – mixed opinions on whether 25 percent of the window area as an allowance for signs was correct.
- d. Bracket signs (projecting signs) appear to be an appropriate sign type.
- e. Externally illuminated signs preferred over internally illuminated cabinet signs.
- f. Mixed opinions on whether sign standards should be by individual zoning districts or groups of zones, i.e. a sign district.
- g. Suggestion – sign size must be proportional to the building face.
- h. There are no neon signs in Arlington, and there should not be. Others suggested neon signs in windows or for businesses was acceptable.
- i. No apparent consensus on what permanent signs should not be allowed, but some comments noted that pole signs, illuminated letter signs, neon signs, and flashing signs should be prohibited.
- j. Businesses should be able to display their logos.
- k. Awnings are appropriate sign types.
- l. Need clear standards for sign illumination and what is and what is not allowed.
- m. Address signage standards for Town property, especially properties zoned OS.
- n. Allow creativity in signage design. Sign materials should complement the building on which they are placed. Support for not standardizing sign design for tenants in a multi-tenant building. Creativity and non-standardized sign design is good.
- o. Include sign design standards – font, color, materials, etc. and be flexible (i.e. allow materials that look like wood that are more durable).

- p. Increase the sign area standards for permanent signs in commercial zones.
- q. Signs in historic districts or on historic buildings must be compatible with the building on which they are placed. And be more flexible with materials to help with maintenance and cost.
- r. Fully internally-lit box signs (cabinet signs) not supported – overwhelms a building's architecture.
- s. Changeable copy signs (assume with individual letters) not supported.
- t. Prohibit billboards in Arlington.
- u. Nonaccessory signs like directional signs should be allowed for certain situations (undefined).
- v. Town should install public bulletin boards – perhaps one in each business district where community events could be shared.

Temporary Sign Standards

- a. Generally, there seemed to be consensus to limit or prohibit temporary signs on public property and to restrict the number allowed on private property.
- b. Mixed opinions on A-Frame signs. They should not be allowed on sidewalks. Too often they become additional permanent signs. Stricter and more consistent enforcement is needed. Others wanted A-frame signs not to be regulated.
- c. Mixed opinions on temporary signs in general, although many supported a prohibition on banner signs, feather banners, balloons, etc.
- d. Mixed opinion on whether to allow signs on or next to the Minuteman Bikeway. Some supported A-frame signs whereas others wanted no signage as the bikeway is in a park.
- e. How to allow for semi-permanent signs for the Farmer's Market.
- f. Allow exceptions for non-profit organizations (under *Reed* this would be a content-based regulation).
- g. Address temporary signs in Town parks, especially in the OS zoning district.
- h. Establish timeframes to limit the length of time that a temporary sign may be displayed – suggest 90 days.
- i. Need more enforcement for signs that are not removed at the end of the permitted display period – impose a \$25/day fine.
- j. Make permitting process for temporary signs as expeditious as possible.

- k. Relax the regulations for temporary signs in Town parks. Allow businesses to hang banners on outfields as Town ballpark facilities.
- l. Prohibit wind signs (“happy wavy guy” or “wavy arm people” signs).

Administration and Procedures

- a. “Open Signs” are frequent in the Town but the code against blinking signs is not enforced.
- b. More enforcement needed, especially for small corrugated plastic signs on a wire frame.
- c. Better to insert the sign regulations in the Zoning Bylaw to make them easier to enforce than if they were in the Town Bylaws.
- d. Mixed opinions on whether a Sign Design Review Committee should be established.
- e. Clearly define which signs are reviewed administratively by the Director (the majority) and which go to a review body (ARB or Board of Appeals).
- f. Need a clear and consistent permitting process and inspection/enforcement process. Will help reduce staff time.
- g. Include a process description and illustration of how to get a sign permit.
- h. Suggestion for a mandatory meeting with staff before the sign permit is submitted to help streamline the application as other communities do.
- i. Include penalties in the sign regulations (or include a cross-reference to the relevant section of the Zoning or Town Bylaws).
- j. Enforcement is hard because staff are overwhelmed (only respond to complaints)– for more effective enforcement more staff are needed. Suggest that sign review be removed from Inspectional Services to ease their work load with the suggestion that it be managed by the Department of Planning and Community Development.
- k. Nonconforming – everything existing before the new code will be grandfathered – it will take a long time to see change.
- l. When a sign is removed the new sign must conform to the regulations.
- m. Need a handout to help people understand how to apply for a sign permit.

Other General Comments

- a. Help reduce the costs of signs, especially for new business.
- b. Sign regulations must be easy to read, understand and apply and with a clear and simple organizational structure.
- c. Sign regulations need to become more liberal.
- d. Find a balance between being too restrictive and too loose with the sign standards.
- e. Allow phone numbers on a sign.
- f. Recommend that the sign regulations should be placed in the Zoning Bylaw.

G. Summary of Previous Zoning Reviews as Reported by RKG Associates

As part of the “*Your Town, Your Future*” Master Plan effort, the Town of Arlington conducted an analysis of the Zoning Bylaw for clarity, internal consistency, and consistency with the new Master Plan and federal and State law. The project consultant, RKG Associates, provided four documents that encompassed a thorough review and diagnostic of the Town’s existing regulatory framework.

- **Zoning Audit** (2014)
- **Working Paper Series – Land Use** (2014)
- **Arlington Zoning Recodification – Stakeholder Interview Summary** (2017)
- **Annotated Zoning Assessment** (2017)

Following these efforts, the Town updated the Zoning Bylaw in February 2018 which was the first comprehensive update since 1975. The above referenced documents are still relevant as they provide useful commentary on the existing sign regulations. Key themes from these documents are summarized below:

- Signage requirements can be found in the General Bylaw, Zoning Bylaw, and Historic Districts Commission Design Guidelines. From a code user standpoint these are very difficult to navigate, and they do not include cross-references to each other and it is unclear if they conflict.
- The Signs chapter of the Zoning Bylaw appears to have been amended so many times and needs a major reorganization. There are sign regulations for permanent and temporary signs, and the Town should consider reorganizing the material in tables.
- The Signs chapter of the Zoning Bylaw needs to be updated to reflect the *Reed v. Town of Gilbert* decision. Content-based regulations that require revision or removal include: prohibitions on registered trademarks; restrictions on home occupation or bed and breakfast signs; standards for uses such as membership clubs, community facilities, and places of public assembly; and regulation of temporary signs based on the sign message.
- The Signs chapter of the Zoning Bylaw establishes different requirements by zoning district. This creates inconsistencies along commercial corridors where zoning districts change parcel by parcel in some cases. This also poses a challenge for Town enforcement staff, who must navigate a complex variety of sign standards depending on the zoning district.
- The Signs chapter of the Zoning Bylaw lacks illustrations and photographs to clarify standards and how they are applied. Illustrations will make the regulations easier to use, especially for Town staff who must explain, interpret, and administer the standards consistently.

- Improvements to language where identified to ensure that imprecise, vague, and unclear language is cleaned-up to improve readability.
- Include hyperlinks in the final PDF of the to ensure easy cross-references to internal and external content.
- The Working Paper on Land Use prepared prior to the work on the Arlington Master Plan makes the case for promoting mixed-use development. It will, therefore, be important to ensure that the updated sign regulations provide appropriate sign regulations for mixed-use developments. Further, this document encourages enhancements to store façades and signs, especially for window signs and blade (projecting signs).
- The Summary of Interviews (in addition to recording many of the themes described above) also noted the need for the Town to develop a sign permit instead of having to file for a building permit. Town staff have confirmed that further clarifications on the Town's sign permitting processes are required . Interestingly, another stakeholder comment suggested that the where possible procedures and regulations should be removed from the Zoning Bylaw and inserted in the rules and regulations of the boards. As noted above, LWC recommends that opposite approach, i.e. the standards and procedures should be placed in the Sign Regulations with appropriate cross-references to the rules of the boards.
- The Zoning Audit, in addition to many of the comments provided above, also recommended that the Zoning Bylaw (and by extension the Sign Regulations) should address emerging trend in land use and development.

H. Proposed Table of Contents

In order to meet the Town's needs for comprehensive, easy-to-use, and logical set of sign regulations, LWC recommends implementing a new organizational structure. A draft new Table of Contents is summarized in the table below with brief explanatory notes in the right-hand column. It is possible that some sections may be reorganized as the updated sign regulations are drafted.

Section 6.2 Sign Regulations		
6.2.1	General Provisions	
A.	Purpose	Establishes the purpose of the sign regulations
B.	Authority	Establishes the authority to implement the regulations of the sign regulations
C.	Applicability	
1.	Applicability	Establishes how the sign regulations apply
2.	Substitutions and Interpretations	Explains how and what review authority may interpret the sign regulations
3.	Exemptions	A shortened list of signs that are exempt from the sign regulations
D.	Severability	Important legal provision to provide a severability clause
6.2.2	Administration and Procedures	
A.	Review Authority	Explains review authority for the sign regulations
B.	Applications and Fees	Describes the process for applications
C.	Sign Permit Requirements	Establishes the permit requirements for permanent signs and temporary/portable signs (may cross-reference to the Zoning Bylaw's Administration Section)
D.	Appeals	Includes the procedures for Appeals
6.2.3	General Restrictions for All Signs	
A.	Location Restrictions	Includes restrictions on where signs may be placed
B.	Prohibited Signs	Lists all the prohibited sign types
C.	Display Restrictions	Includes display restrictions applicable to all sign types
6.2.4	General Requirements for All Signs	
A.	Sign Message	Important statement regarding a sign message and substitution of a sign message
B.	Sign Measurement (Area and Height)	Establishes the rules for measuring sign area and sign height
C.	Sign Illumination	Establishes standards for sign illumination
D.	Structure and Installation	Establishes standards for sign structures and sign installation
E.	Sign Maintenance	Establishes standards for sign maintenance

6.2.5	Standards for Permanent Signs	
A.	Applicability	Explains how the permanent sign standards apply to all sign types across all zoning districts
B.	Standards for Permanent Signs by Zoning District or Use	In Table format establishes the maximum sign area and height limitations for each zoning district or use type
C.	Standards for all Permanent Sign Types	Establishes specific standards for each sign type in two broad categories – building mounted signs and free-standing signs
6.2.6	Sign Design Guidelines and Performance Standards	
A.	Sign Design Guidelines	May include existing and expanded sign design guidelines, unless these are included as mandatory standards
B.	Sign Design Elements	Establishes standards for enhanced sign design
C.	Cumulative Adjustments	Establishes the process for applying multiple design standards to building mounted or freestanding signs
6.2.7	Standards for Portable Signs and Temporary Signs	
A.	Purpose	Explains why the regulation of portable/temporary signs is necessary
B.	General to All	Establishes standards applicable to all portable/temporary signs
C.	Standards for Portable Signs	Establishes standards applicable to each portable/temporary sign type
6.2.8	Nonconforming Signs	
		Establishes standards and procedures for non-conforming signs.
6.2.9	Enforcement	
		Establishes procedures for the enforcement of the sign regulations
	Definitions	
		Definitions and abbreviations used in the sign regulations (These will be added into Section 2 of the Zoning Bylaw)

I. Conclusion and Next Steps

This Sign Regulations Analysis and Recommendations Report fulfills Task 1.4 (Sign Regulations Analysis and Recommendations Report) of the project scope to update the Town of Arlington's existing sign regulations.

Based on an overview of the legal principles that local municipalities must follow to adopt a legally-defensible and constitutionally sound sign regulations, a comprehensive analysis or diagnosis of the Town's existing Sign Regulations identifies where amendments are required, where new regulations are recommended, and what provisions in the current Sign Regulations may be carried forward, updated and expanded as needed. The report concludes with a new annotated outline of a recommended Table of Contents, which may evolve as the Administrative Draft of the Sign Regulations is written.

Following staff's review of this Administrative Draft of the Sign Regulations Analysis and Recommendations Report and receipt of any comments or suggestions on its content, a conference call will be scheduled with staff and possibly the Town's legal counsel to review any key issues that warrant further discussion. When all remaining issues have been resolved a final Report will be completed and submitted to staff.

Thereafter, and following a presentation at a public workshop with the Zoning Bylaw Working Group in December, work will commence on an Administrative Draft of the sign regulations that will be submitted for internal review only by Town staff before a Public Review Draft of the final sign regulations is submitted.

J. Appendix 1: Two Options for Comprehensive Sign Programs

Two different approaches to incentivizing good sign design from two cities are included in this Appendix in the PDF version of this document. The first is from the City of Flagstaff, AZ which used a very comprehensive approach where sign quality and attention to detail is highly valued in the community, while the second is from the City of Lompoc, CA which is a simpler and less complicated approach.

Open Signs	Max 2 sq. ft. Max. 1 per business	Excluded from the total allowable building mounted or window sign area. No Sign Permit required.
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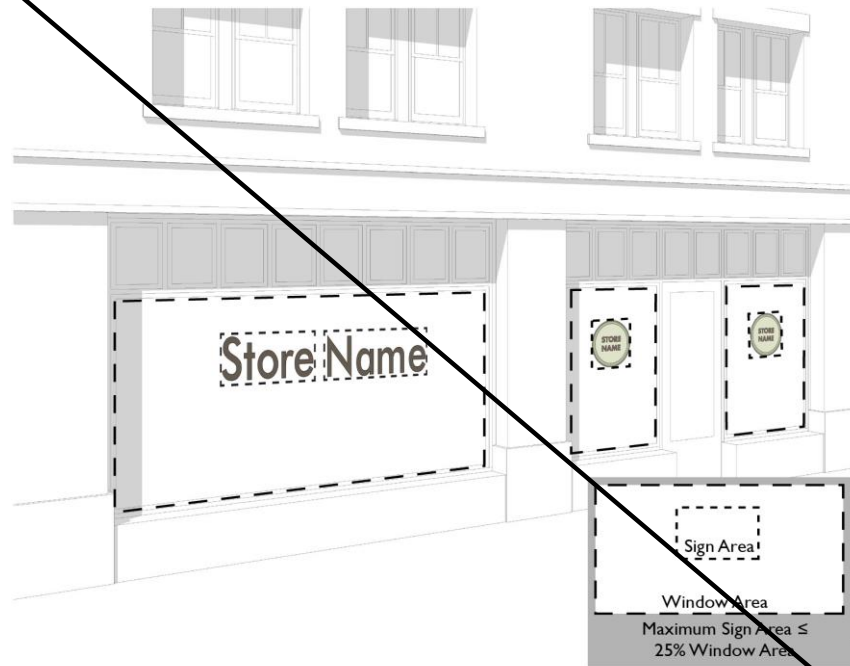


Figure P. Window Sign

10-50.100.070 Comprehensive Sign Programs

A. Purpose

1. The purpose of this Section is to provide a process to respond to special signage needs for proposed or existing multi-family residential and non-residential uses, as well as to provide sign design incentives that promote superior sign design, materials, and methods of installation.
2. A Comprehensive Sign Program provides non-residential and multi-family residential uses with flexibility to develop innovative, creative and effective signage and to improve the aesthetics of the City. This program also provides an alternative to minimum standard signage subject to sign design performance standards.

B. Applicability

Comprehensive Sign Programs apply to proposed or existing non-residential and multi-family residential uses as follows:

1. A Comprehensive Sign Program is required for:
 - a. All proposed non-residential single-tenant, multi-tenant, or multi-story developments, and residential master planned communities; and
 - b. Existing non-residential multi-tenant uses, when:
 - (1) A building addition and/or an increase of use is proposed in terms of gross floor area, seating capacity, or other units of measurement indicating an intensification of use of 25 percent or more; or
 - (2) An exterior structural remodeling of the building facade is proposed which affects signage.
2. A Comprehensive Sign Program may voluntarily be developed and maintained by the owner, applicant, or representative of any new or existing non-residential and multi-family residential use, when the owner, applicant or representative seeks allowed adjustments under Section 10-50.100.080 (Sign Design Performance Standards). Any adjustments authorized under a Comprehensive Sign Program using the Sign Design Performance Standards apply to all building mounted signs and freestanding signs within the boundaries of the subject site.

C. Review

1. Applications for a Comprehensive Sign Program, including a Comprehensive Sign Program that utilizes the sign design performance standards provided in Section 10-50.100.080 (Sign Design Performance Standards), shall be reviewed by the Director.
2. All Comprehensive Sign Program submittals shall be reviewed for compliance with the requirements of this Division, and the Director shall either approve, conditionally approve, or deny the proposed Comprehensive Sign Program. Following approval by the Director, a copy of the approved Comprehensive Sign Program will be made available to the applicant. Individual signs for multi-tenant developments included within the approved Comprehensive Sign Program are subject to the issuance of separate Sign Permits in compliance with this Division. A Comprehensive Sign Program for a single-tenant development requires only one sign permit.
3. The Planning Commission shall review all Comprehensive Sign Programs that request an increase in allowable sign height and area beyond the limits established in Section 10-50.100.080 (Sign Design Performance Standards) for freestanding and building mounted signs for multi-tenant buildings and shopping centers.

D. Supplemental Provisions

1. Modifications to an approved Comprehensive Sign Program may be requested in compliance with the procedures set forth in this Section.
2. No sign identified in this Section may be placed upon real property without the consent of the real property owner(s), who shall either sign and submit the application for a Comprehensive Sign Program or designate in writing an authorized representative.
3. A Comprehensive Sign Program may be implemented in phases.

E. Submittal Requirements

A complete application for Comprehensive Sign Program review and approval is required following, or in conjunction with, the approval of the required site plan for the development, and prior to issuance of a building permit. The application shall be signed by the property owner(s), and/or their authorized agent(s), if appropriate, of the property covered by the Comprehensive Sign Program, and shall include the following:

1. An accurate site plan of the overall development, including all parcels included within the multi-tenant development or master planned community, at a scale determined by the Director;
2. The location and sizes of existing and proposed buildings, parking lots, driveways, streets and landscaped areas of the development;
3. The size, location, height, color, lighting source, and orientation of all proposed signs for the development, with a computation of sign area for each sign type;
4. A complete set of sign standards, including but not limited to, style, colors, type(s), placement, letter size, and number of signs and sign material(s);
5. A narrative description of the development to demonstrate that the sign program meets the required findings and/or sign design standards;
6. A non-refundable sign permit fee as provided in Appendix 2 (Planning Fee Schedule); and
7. Any other information deemed necessary to meet the findings noted above.

F. Individual Signs Authorized by an Approved Comprehensive Sign Program

Sign Permits, which must be obtained in compliance with Section 10-20.40.120 (Sign Permit - Permanent Signs), are required for individual signs authorized by an approved Comprehensive Sign Program, provided:

1. The signs comply with all applicable conditions of the approved Comprehensive Sign Program;
2. Sign Permit applications are submitted within a time period specified as part of the conditions of the content or review of the Comprehensive Sign Program, where applicable; and
3. Sign Permit applications are submitted prior to any subsequent amendment to this Division which is more restrictive than provisions existing when the Comprehensive Sign Program was approved.

10-50.100.080 Sign Design Performance Standards**A. Sign Design Elements**

Increases in the allowable area and/or height of certain types of signs may be approved to encourage permanent signs with design features that are preferred by the City and the community at large.

The preferred design features detailed below shall apply to both freestanding and building mounted signs subject to the limitations in Subsection B. These preferred design features are in addition to the base maximum area and height limitations described in Table 10-50.100.060.A (Standards for Permanent Signs by Use). In addition, all signs located in multi-tenant centers are required to comply with the center's comprehensive sign program, if such a plan has been approved by the City.

1. Raised Letter Signs

This standard encourages the use of individual lettered business and logo design, or where appropriate, signs containing copy, logo and/or decorative embellishments in relief on the face of the sign. Such improved sign design enhances the readability of sign copy and projects a positive image of the business or use. A sign area and/or height increase as established in Table A (Percentage Increases for Design Features Used) may be approved for sign designs that display either:

- a. Pan channel letters without raceways, or internal/indirect halo illuminated channel letters on an unlit or otherwise indistinguishable background on a freestanding sign or building wall; or
- b. Where appropriate, carved signs with a three-dimensional textured surface that is integral to its design, such as extensively carved, routed and/or sandblasted signs containing the business name and/or logo.



Figure A: Raised Letter Sign



Figure B. Carved Sign

2. Simplified Letter and/or Logo Copy

The purpose of this standard is to encourage easily recognizable business identification while simplifying the appearance of the city streetscape. A sign area and/or height increase, as established in Table A (Percentage Increases for Design Features Used), may be approved for the signs utilizing this design standard.

3. Sign Structure Materials

This standard encourages the use of native or natural materials in the construction of sign structures, resulting in improved and innovative sign design and an improved image of the business or development to which it refers. A sign area and/or height increase as established in Table A (Percentage Increases for Design Features Used) may be approved for the sign designs in which a minimum of 75 percent of the sign structure and face are constructed of native or natural materials, including malpais rock, flagstone, river rock, redwood, cedar, treated pine, used brick, and/or unpainted or unfinished non-reflective metals.

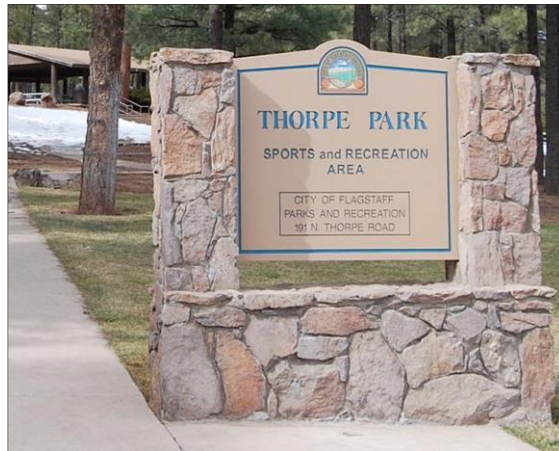


Figure C. Sign Structure Materials

4. Sign Structure which Blends with the Development Site

This standard encourages the incorporation of a sign and sign structure into a major element of a building façade or significant landscape feature, resulting in the creation of a unique image for the development or premises on which it is located. A sign area and/or height increase as established in Table A (Percentage Increases for Design Features Used) may be approved for the sign designs that integrate major architectural elements or details of the development site into the building façade for a building mounted sign, or the support structure for a freestanding sign.



Figure D. Sign Structure which Blends with Development Site

5. Freestanding Signs of Reduced Height

This standard encourages the reduction of the overall height of freestanding signs the limitations of which are established in Table 10-50.100.060.H (Standards for Freestanding Signs), while maintaining sign and site compatibility and improving the image of the business or development. See Table A (Percentage Increases for Design Features Used) for percentage increases allowed.

Table 10-50.100.080.A: Percentage Increases for Design Features Used				
Single Tenant Use	Freestanding Sign		Building Mounted Sign	
	Area Increase	Height Increase	Area Increase	Height Increase
1. Raised Letter	15%	10%	10%	5%
2. Simplified Letter and/or Logo Copy	15%	10%	10% ¹	5%
3. Sign Structure Materials	15%	15%	10%	5%
4. Sign Structure which blends with Development Site	15%	15%	10%	5%
5. Freestanding Signs of Reduced Height	15% area increase for each 1-foot in height reduction			N/A
Multi-Tenant Use				
1. Raised Letter	15%	10%	10%	5%
2. Simplified Letter and/or Logo Copy ²	15%	20%		N/A
3. Sign Structure Materials	15%	15%	10%	5%
4. Sign Structure which blends with Development Site	15%	15%	10%	5%
5. Freestanding Signs of Reduced Height	15% area increase for each 1-foot in height reduction			N/A

Table 10-50.100.080.A: Percentage Increases for Design Features Used

End Notes

¹Also applies to an individual occupancy within a multi-tenant building, development, or shopping center.

²Applies to multi-tenant building, development, or shopping center.

B. Cumulative Adjustments

Where more than one feature listed in Subsection A is proposed, the adjustment allowed for each individual feature is cumulative. Such sign area and/or height adjustment is measured and based upon the permitted sign area and height for the applicable site as determined in Section 10-50.100.060 (Permanent Signs) of this Division. Cumulative adjustments for sign area and sign height for freestanding and building mounted signs are provided in Table B (Cumulative Adjustments).

Table 10-50.100.080.B: Cumulative Adjustments				
# of Features Used	Freestanding Signs		Building Mounted Sign	
	Area	Height	Area	Height
2	30%	20-30% ¹	20%	10%
3	45%	35-40% ¹	30%	15%
4	60%	50%	40%	20%
Standard #5 w/ Standards 1-4	Not to exceed 75% of original max. permitted sign area		N/A	N/A
Cumulative Maximum Sign Area Increase Allowed	50%	50%	50%	20%

End Notes

¹ This percentage varies depending on which design features listed in Table A are utilized.

3. Business information signs. Non-illuminated signs which provide business information including, but not limited to credit card acceptance, business hours, open/closed, or menus provided signs do not exceed an aggregate six square feet in sign area.
4. Community information bulletin boards approved by the City and signs posted on such boards in compliance with any applicable City posting protocol.
5. Signs neatly and permanently affixed to a vehicle. Refer also to Subsection 17.108.040.A.3. Such signage shall not be a banner, board, paper, or any temporary sign and shall not substantially project or deviate above or from the vehicle profile.
6. Signs that constitute an integral part of a permitted vending machine or similar facilities located outside of a business.
7. Murals.
8. Barber poles no more than 2.5 feet in height.

17.108.030 Sign Permit and Sign Program Requirements

A. Applicability.

1. **Sign Permits.** A permit is required to erect, move, alter, replace, suspend, display, or attach a sign, whether permanent or temporary, unless otherwise specified in this Chapter. Each sign and change of copy requires a separate Sign Permit except that changes to or between non-commercial message do not require a Sign Permit consistent with 17.108.020.B.1. A change of copy means changing of the face or letters on a sign. The following sign activities are allowed without a Sign Permit; however, any required building permit shall be obtained prior to the modification of a sign:
 - a. The normal maintenance of a sign, including cleaning, repainting, or repairing, except when prohibited for a nonconforming sign (Section 17.108.050: General Requirements for All Signs);
 - b. Changes to the face or copy of a sign with changeable copy; and
 - c. Signs that have completed a courtesy review by the Department and are installed in compliance with an approved Sign Program.
2. **Sign Program.**
 - a. A Sign Program approved by the Commission is required for any parcel with four or more businesses or tenant spaces, regardless of whether the tenant spaces are occupied. Once a Sign Program is approved, Sign Permits are not required for individual business signs that are installed in compliance with the Sign

Sign Regulations

Program. A Sign Program may be requested by an applicant for a parcel with fewer than four businesses or tenant spaces, but is not required.

- b. As part of a Sign Program approval, exceptions may be granted to the standards of this Chapter if the findings established in Subsection 17.108.030.B.4.b.ii are made.

B. Procedures.

1. **Application requirements.** An application for a Sign Permit or Sign Program shall be filed on the form(s) provided by the Department, together with all required fees and all other information and materials specified by the application requirements list provided by the Department. It is the applicant's responsibility to provide evidence in support of the findings required by Subsection 17.108.030.B.4.
2. **Other permits required.** In addition to the requirements of this Chapter, all signs shall be in conformance with applicable requirements of the California Building Code. Where required, the applicant shall also obtain a building permit and/or electrical permit from the City.
3. **Review authority.** Table 17.108.030.A identifies the responsible review authority for each type of sign approval. The review authority shall adhere to the processing timelines required by the California Government Code § 65920 et seq. and California Environmental Quality Act (Public Resources Code § 21000 et seq. and Title 14 of the California Code of Regulations § 15000 et seq.).

Table 17.108.030.A: Sign Review Authority			
Permit Type	Director ¹	Commission	City Council
Sign Permit – commercial or industrial signs facing residentially-zoned property	Recommendation	Decision	Appeal
Sign Program	Recommendation	Decision	Appeal
Sign Permit – all others	Decision	Appeal	Appeal
¹ The Director may refer any application to the Commission for review and decision. Referral is warranted when unique or special circumstances exist as determined by the Director (e.g., unusual building configuration, unique topography, new sign materials or technologies, etc.).			

4. **Findings and decision.** After a Sign Permit or Sign Program application is deemed complete, the review authority shall approve, conditionally approve, or deny the application.
- a. The review authority will approve a Sign Permit application, with or without conditions, only after the following findings are made:
 - i) The sign complies with the standards of Chapter 17.108 (Sign Regulations), any applicable specific plan or precise development plan, and any applicable sign program;
 - ii) The sign is in substantial compliance with any applicable design guidelines;
 - iii) The sign will not impair pedestrian and vehicular safety; and
 - iv) The sign's design or proposed construction will not threaten the public health, safety, or welfare.
 - b. The review authority will approve a Sign Program application, with or without conditions, only after the following findings are made:
 - i) The Sign Program complies with the standards of Chapter 17.108 (Sign Regulations), and any applicable specific plan or precise development plan requirements; or
 - ii) If the Sign Program does not comply with the standards of Chapter 17.108 (Sign Regulations), the following findings shall be made:
 - a) The Sign Program complies with the purpose and intent of Chapter 17.108;
 - b) There are special circumstances applicable to the property including size, shape, topography, location, surroundings, building placement, or architectural style that warrant modified standards to afford the property privileges enjoyed by other properties in the vicinity and in the same zone;
 - c) The modified standards do not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and in the same zone; and
 - d) The Sign Program does not allow any sign that is prohibited (Section 17.108.040); and
 - iii) The Sign Program is in substantial compliance with any applicable design guidelines;
 - iv) The Sign Program standards will result in signs that are visually related or complementary to each other and to the buildings and/or developments they

identify through the integration of predominant architectural materials, elements, or details of such buildings or developments; and

- v) The Sign Program will not result in signs that would impair pedestrian and vehicular safety; and
 - vi) The sign's design or proposed construction will not threaten the public health, safety, or welfare.
5. **Sign Permit or Sign Program conditions.** Any condition imposed on a Sign Permit or Sign Program will be limited to protecting the public health, safety, and welfare, and will not affect the sign message and or have the intent or effect of reducing allowable signage for a property.
6. **Post-approval procedures.** A final decision of a review authority may be appealed in compliance with Chapter 17.006 (Appeal Procedures); however, the appeal hearing shall be set no later than 30 days after the appeal is filed. When an appeal is acted on by the Commission or Council, the time for a challenge to the decision in a court of law is governed by California Code of Civil Procedures Section 1094.8. Notice of the decision shall include citation to California Code of Civil Procedure Section 1094.8.
7. **Sign Permit implementation, time limits, and extensions.**
- a. A Sign Permit expires 12 months after the date of approval unless the sign has been installed or a different expiration date is stipulated in the approval.
 - b. A Sign Permit expires when the activity, product, business, service, or other use which is being advertised or identified has ceased for a period of not less than 90 days or has moved from the location where the sign was allowed.
 - c. A Sign Permit expires when a sign is removed from the approved location for more than 90 days or a new permit is approved for a replacement sign.
 - d. Upon written request by the applicant, the Director may extend a Sign Permit up to an additional 12 months from the original date of expiration based on parcel specific conditions justifying the original approval and whether or not those conditions have changed (e.g., physical site changes such as a new building or effects of a natural disaster, change in applicable sign regulations, etc.). The Director may make the extension subject to new conditions of approval should parcel-specific conditions warrant revised or new conditions to meet the required findings in this Chapter.
 - e. Notwithstanding any expiration date that may be applicable to a Sign Permit, the expiration date of that Sign Permit shall be the same as the latest expiration date of the Building Permit or other applicable permits for the project for which the Sign Permit was issued.
 - f. A Sign Program has no expiration date.

8. **Modifications to Sign Permits or Sign Programs.** An approved Sign Permit or Sign Program may be modified or amended through the same procedure for original approval. However, minor amendments to a Sign Permit or Sign Program may be approved by the Director if it is determined the intent of the original approval, required findings, and any conditions attached thereto, are not affected.

C. Permit Denial or Revocation.

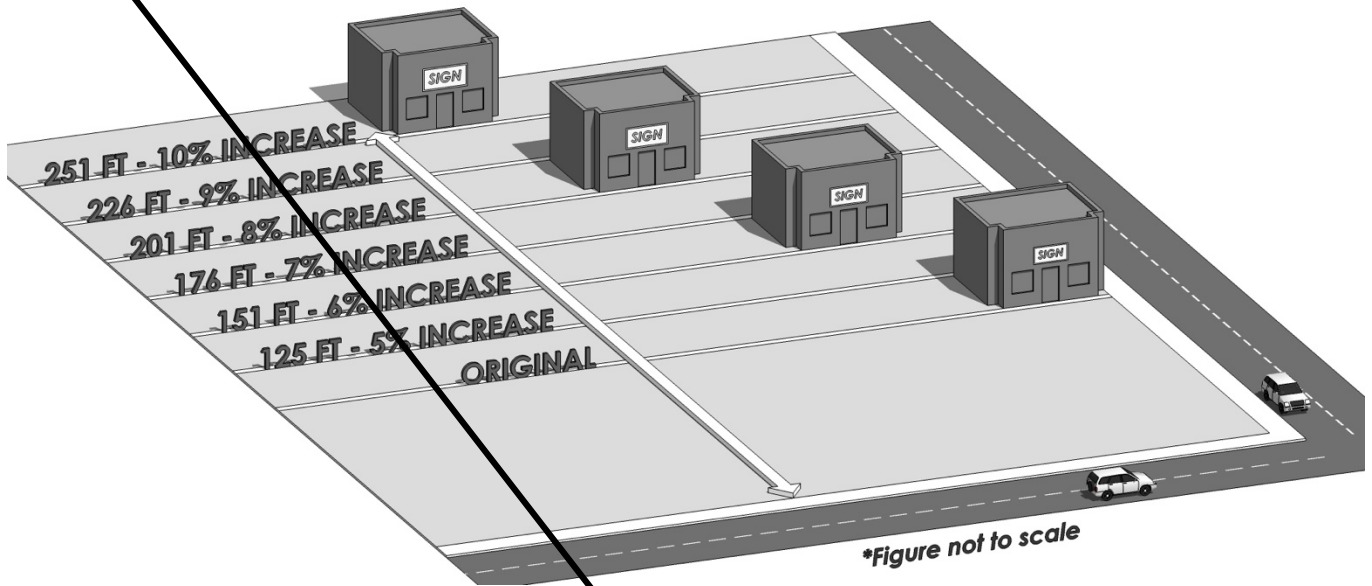
1. A Sign Permit or Sign Program may be denied or revoked on the following grounds:
 - a. One or more of the required findings to grant a Sign Permit or Sign Program cannot be made; or
 - b. Any condition of the Sign Permit or Sign Program has not been complied with.
2. A Sign Permit or Sign Program denial or revocation may be appealed pursuant to the provisions of Chapter 17.006.

D. Minor modifications. The following minor modifications or exceptions to sign standards are allowed subject to the approval of a Sign Permit by the applicable review authority (Table 17.108.030.A.); a minor modification does not trigger a different level of review than would otherwise be required for the Sign Permit.

1. **Sign area.** Allowable sign area may be increased incrementally by up to 10% if a sign and business frontage identified by the sign are located at certain distances or more from the edge of street right-of-way which they face; provided however, that the incremental increase shall only be applied to the sign located at the given distance or more from the edge of street right-of-way the sign faces. Table 17.108.030.B identifies the incremental increases allowed (also illustrated by Figure 17.108.030.1).

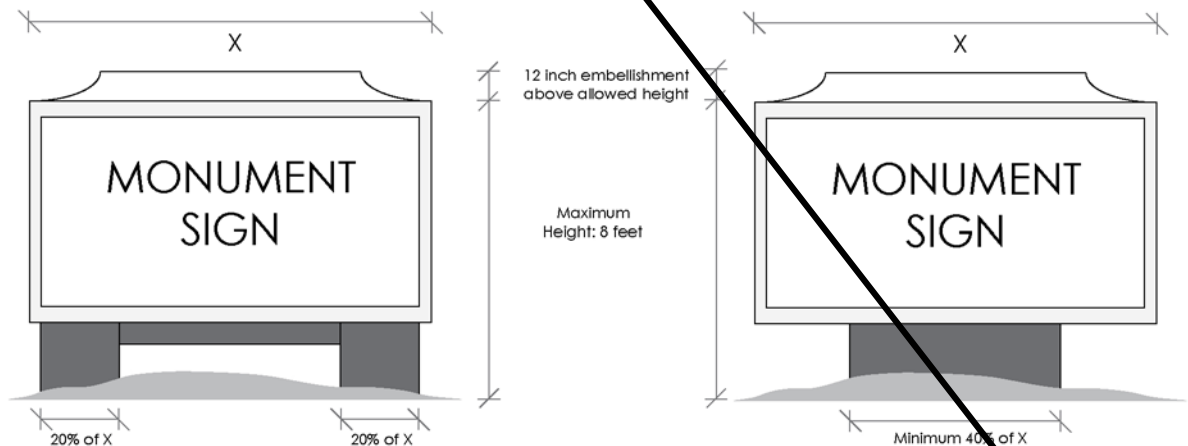
Table 17.108.030.B: Incremental Sign Area Increase	
Distance From Street Right-of-Way the Sign Faces	Sign Area Increase
125 - 150 ft	5%
151 - 175 ft	6%
176 - 200 ft	7%
201 - 225 ft	8%
226 - 250 ft	9%
251 ft +	10%

Figure 17.108.030.1



2. **Sign dimensions.** Architectural features or embellishments may exceed the maximum allowable sign height or dimensions by 10% or 12 inches, whichever is greater (Figure 17.108.030.2).

Figure 17.108.030.2



3. **Monument sign base width.** The required monument sign base width may be reduced by 10% when warranted by unique parcel conditions or when an improvement in overall sign design is achieved as determined by the review authority (Figure 17.108.030.2). For example, a sign base required to be four feet wide could be reduced to 3.6 feet.

4. **Corporate sign standards.** Adopted corporate sign standards that require signs to be a certain size or dimensions may be allowed if the dimensions deviate no more than 10% from the applicable standards established in this Chapter. If the deviation exceeds 10%, Sign Program approval would be required. It is the responsibility of the applicant to establish that a proposed sign is compliant with corporate sign standards.

E. Sign Design Performance Standards

1. **Sign Design Elements.** Increases in the allowable area and/or height of permanent monument and building mounted signs in non-residential zones may be approved to encourage preferred sign design features that are identified in this Subsection. The preferred design features detailed below are in addition to the base maximum area and height limitations described in Table 17.108.060.B and in addition to minor modifications allowed by Subsection 17.108.030.D. The increases allowed in this Subsection will be allowed as a minor modification consistent with Subsection 17.108.030.D. Nothing in this Subsection allows deviations from standards for signs subject to an approved Sign Program unless the Sign Program allows for such deviation. This Subsection is not applicable to temporary signs.
 - a. **Raised Letter Signs.** This standard encourages the use of individual lettered business and logo design, or where appropriate, signs containing copy, logo, and/or decorative embellishments in relief on the face of the sign (Figure 17.108.030.3). The improved sign design enhances the readability of sign copy. A sign area and/or height increase as established in Table 17.108.030.C may be approved for sign designs that display either:
 - i) Pan channel letters without raceways or internally illuminated channel letters on an unlit or otherwise indistinguishable background on a monument sign or building wall (halo lighting, where the light source is concealed behind three-dimensional opaque letters, is encouraged); or
 - ii) Where appropriate, carved signs with a three-dimensional textured surface that is integral to its design, such as extensively carved, routed and/or sandblasted signs containing the business name and/or logo.

Figure 17.108.030.3



- b. **Sign Materials.** This standard encourages the use of native or natural materials in the construction of signs and structures, resulting in improved and innovative sign design and an improved image of the business or development to which it refers. A sign area and/or height increase as established in Table 17.108.030.C may be approved for the sign designs in which a minimum of 75% of the sign structure and face are constructed of native or natural materials, such as flagstone, river rock, redwood, cedar, treated pine, used brick, and/or unpainted or unfinished non-reflective metals (not including dilapidated materials such as rusted iron or corroded alloys).
 - c. **Monument Signs of Reduced Height.** This standard encourages the reduction of the overall height of monument signs as otherwise established in Table 17.108.060.B, while maintaining sign and site compatibility and improving the image of the business or development. See Table 17.108.030.C for percentage increases allowed.
 2. **Cumulative Adjustments.** Where more than one feature listed in Subsection E.1 is proposed, the adjustment allowed for each individual feature is cumulative. Such sign area and/or height adjustment is measured and based upon the base maximum sign area and height for the applicable site as determined in Table 17.108.060.B. The cumulative maximum increase allowed for permanent monument and building mounted signs is 20% for sign area and 15% for sign height.

Table 17.108.030.C: Percentage Increases for Design Elements Used

Design Feature	Monument Sign		Building Mounted Sign	
	Area Increase	Height Increase	Area Increase	Height Increase
Raised Letter ¹	5%	5%	5%	N/A
Sign Materials	10%	10%	10%	N/A
Reduced Height	5%	N/A	5%	N/A
¹ Increases allowed by raised lettering do not apply to the Old Town Commercial Zone.				



Town of Arlington, Massachusetts

ARB Redevelopment Portfolio updates

Summary:

- 9:00-9:15 p.m.
- Staff presentation
 - Board members will review and discuss



Town of Arlington, Massachusetts

Meeting Minutes from 11/05/18 and 11/07/18

Summary:

9:15-9:25 p.m.

- Board members will review and approve meeting minutes

ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	Agenda_Item_4_-_Draft_ARB_Minutes_11052018.pdf	Draft ARB Minutes 11/05/18
▢ Reference Material	Agenda_Item_4_-_Draft_ARB_Minutes_11072018.pdf	Draft ARB Minutes 11/07/18

Arlington Redevelopment Board
November 5, 2018, 7:30 p.m.
Senior Center, Main Room, First Floor
Meeting Minutes

This meeting was recorded by ACMi.

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

STAFF: Jennifer Raitt, Director, Planning and Community Development

The Chair opened the meeting at 7:30pm and turned to the first item on the agenda, Zoning Bylaw Amendment/ Medical and Recreational Marijuana Establishments. The Chair introduced a presentation by Jennifer Raitt and Erin Zwirko, Assistant Director of Planning and Community Development.

Ms. Zwirko gave the presentation, as follows:

-- Zoning for medical marijuana establishments was adopted by the 2014 Annual Town Meeting. Further articles were presented in 2016 and 2017, and in 2018, the recreational moratorium was extended to the end of 2018.

-- Policy checklist items for adult/recreational marijuana include: establish goals, working with the Marijuana Study Committee to come up with zoning amendments by the end of 2018, to Special Town Meeting in early December; determine license types and numbers; adopt zoning standards; establish a local selection process, working with the Marijuana Study Committee, the Select Board, the Arlington Redevelopment Board, and the Board of Health; and pass optional local sales tax, to be considered under Article 2 during Special Town Meeting in December.

-- Local board rules -- Arlington Redevelopment Board, Select Board, and Board of Health.

-- State agencies -- the Department of Public Health will transfer oversight of treatment centers back to the Cannabis Control Commission by end of 2018, consolidating regulation oversight under one agency.

-- Text of the warrant article.

Ms. Zwirko recognized four members of the Marijuana Study Committee present: Jordan Weinstein, Paul Czech, Kristina Cairns, and Dr. Sarah Augood. Committee meetings were attended as well by residents and town officials, including Natasha Wadon, the Director of Public Health; and APD Captain Julie Flaherty. Presentation continued:

-- Zoning amendments -- new categories were identified for recreational marijuana establishments; most communities adopt a K-12 five hundred foot school buffer; special permit requirement; cap on number of establishments; density limits between establishments; size of growth facilities; and consideration of additional buffer land uses.

-- Different types of marijuana establishments -- none allow on-site consumption; medical marijuana treatment centers are not considered recreational.

-- Proposed use categories/zoning districts based on similar uses in the zoning bylaw. B1 and B2 neighborhood business districts eliminated from consideration for all uses; marijuana production facilities limited only to B4 and industrial districts; and medical marijuana treatment centers expanded to B2A, B3, B4, and B5.

Mr. Lau asked whether the number of marijuana licenses issued was no more than twenty five percent of liquor licenses; Ms. Zwirko advised twenty percent, with a limit of two retail facilities. Mr. Lau asked whether growth facilities require a minimum ten thousand square feet; Ms. Zwirko advised five thousand.

Mr. Watson expressed appreciation for the Marijuana Study Group, and wanted to address questions as well as typographical issues. The Chair advised typos be redlined for review.

Mr. Watson broached the following questions:

- The definition of “marijuana retailer” appears inconsistent – first sentence authorizes sales to consumers, second sentence prohibits same. Ms. Raitt explained that in-store purchase is permitted but delivery is not. Mr. Watson recommended clarifying this.
- combine the first two sentences defining “marijuana research facility” into one? Ms. Raitt stated the language is from state law, and the sentences can either be merged or separated.
- “tier one marijuana cultivator” is not a defined term. The Chair advised this is defined in state regulations but not in the town bylaws.
- Sections 5 and 6, tables: some items appear in the definition section but are missing from tables, e.g., “microbusiness,” “cultivator,” and “marijuana manufacturer.” Ms. Raitt stated they are under the umbrella of uses, but offered to call out the specific items. Mr. Watson stated he wanted to avoid confusion, as there are a number of different establishments under consideration.
- Section 8.3, standards for marijuana uses: Why did the Committee choose different buffer distances for recreational facilities and libraries? Ms. Raitt stated she will address this, and also let the two Committee members present answer as well. Ms. Raitt stated that too large a buffer would zone out this use, and different buffers allow marijuana businesses to be better distributed across zones.
- Minimum distance between marijuana retailers and treatment centers to be two thousand feet: Would this extend to other marijuana businesses? Ms. Zwirko replied they focused on these facilities because they sell directly to the public.

Mr. Benson also commended the Committee. He broached the following questions:

- Page 4 of the draft, Tables, Section 5.6.3: Why are facilities limited to industrial zone only, and not multiuse or planned development? Ms. Raitt stated this zone was typically selected across the state, but other zones may be available. As of now, only industrial is being proposed.

A female audience member stated special permits also granted to B2-B5 districts. Ms. Raitt agreed. The Chair requested public questions/comments wait until after Board comments.

- Clarification of distances between marijuana retailers and treatment centers: Contradictory language states they cannot be within two thousand feet of each other but can be collocated. Does this mean retailers cannot collocate with other retailers, and treatment centers with other treatment centers? Ms. Raitt referred the question to Ms. Zwirko, who stated this buffer referred to two retailers or two treatment centers, and agreed that the collocation language needs clarification.

- Why a cap of two on the number of special permits? Ms. Zwirko stated this was appropriate for the “Yes”-vote community, but could be increased. Ms. Raitt elaborated that this number is a reflection of the Study Group’s respecting the interests both of the marijuana establishments and the communities; and that two permits are based on state

regulations. Mr. Benson stated he was not sure what the right number of permits should be, but not sure that two is the right number, either, and why there would be fewer marijuana permits than alcohol permits. He requested rewording if final limit will be two permits.

The Chair thanked the Committee. He asked whether the twenty percent amount is specifically for recreational facilities, excluding treatment centers. He then asked how the Committee came to define buffers relating to town recreational facilities. Ms. Raitt stated recreational facilities are not the same as open spaces. Ms. Zwirko stated that the focus on playgrounds and recreational facilities came out of conversations regarding specific active facilities, e.g., Boys and Girls Club, where teens might gather, as opposed to libraries, which would have a younger clientele.

The Chair stated this partially answered his question. He stated most zones would not be affected, and they're adding a possibly unnecessary layer of complexity.

Ms. Raitt stated there were lengthy discussions of buffer zones, and this was the consensus, but further exploration re changing the buffers is possible.

The Chair invited public comment. Arlington resident Paul Czech took the podium. A registered marijuana user due to neurological issues, he stated he is interested in getting disabled individuals working at the marijuana facilities. He stated that the comparison between alcohol and marijuana facilities is valid and that marijuana facilities would not reflect badly on the community but would remove the marijuana black market and help law enforcement. He stated all legitimate community concerns have been addressed in the proposed amendment.

Arlington resident and Marijuana Study Committee appointee Jordan Weinstein took the podium. He is a Town Meeting member as well. He agreed with limiting the density of the marijuana facilities to soften "inevitable" opposition at Town Meeting by those who are against marijuana facilities anywhere in Arlington. He stated there might be a problem with equalizing marijuana and liquor stores, because if liquor stores want to expand, marijuana facilities might request the same, and there would be pushback against the liquor stores caused by the marijuana facilities.

Mr. Weinstein commended the work of the Committee, as well as the compromise reached regarding the buffer zones. As to the two sentences referenced by Mr. Watson, he did not think it is necessary to combine them into one sentence. Regarding location/collocation/saturation, he stated retail establishments should be treated differently from medical because of the collocation problem, and the language needs to be clarified to avoid future questions as to intent.

Chris Loreti took the podium. He stated he is confused because the bylaw change has preceded the policy. Ms. Raitt stated the Marijuana Study Group established policy goals and timelines, and by December 31, the regulations need to be in place because the moratorium will end. She stated the report from the Committee is the bylaw draft, and all meeting minutes and agendas are on the town web site.

Mr. Loreti asked why there is only one bylaw amendment when in fact they are amending an existing bylaw and creating new regulations for a new use -- why not separately? Ms. Raitt stated they filed the warrant as one article, as in previous years, and this was approved by Town Counsel.

Mr. Loreti asked what the rationale is for changing the existing regulations pertaining to medical marijuana facilities, since there is already a facility due to open shortly. Ms. Raitt stated this is to add new districts where these facilities can operate. The other amendment is to [strike] the nonprofit facility language, in keeping with state regulations.

Mr. Loreti stated they would be adding a buffer zone, and Ms. Raitt replied that this is correct since there is no buffer zone in the existing bylaw, in keeping with the initial intentions of Town Meeting.

Mr. Loreti requested the Board divide the question into two votes before Town Meeting, one pertaining to medical facilities, the other to recreational. The Chair stated he would take that into consideration.

Mr. Loreti stated that under the existing bylaw, retail is prohibited in the industrial district. Why should marijuana facilities be different from any other type of retail? Ms. Raitt replied that either mixed or independent use is discouraged, but is allowed, which includes retailers. Mr. Loreti stated stand-alone drug, liquor, and grocery stores are currently not permitted in industrial districts, and the same should apply to marijuana.

Mr. Loreti was concerned about the twenty percent permit translating to 1.2. Ms. Raitt advised this was rounded up to two permits.

Mr. Loreti requested they continue the meeting to Wednesday 11/7 for the benefit of absent Town Meeting members. The Chair put this before the Board. Mr. Lau motioned, and Mr. Watson seconded. Ms. Raitt stated meeting would be held at 8pm.

The Chair moved to the next item on the agenda, Environmental Design Review (EDR) Special Permit - John Erickson for Meineke Muffler at 20 Massachusetts Avenue.

Clark Thompson came before the Board, stating Meineke's request to install two new wall signs, one in front and one on the side, replacing two existing sign boxes. Mr. Thompson discussed dimensions and illumination.

Mr. Lau asked if window signage would be removed. Mr. Thompson confirmed, and stated there would be no extra signage.

Mr. Watson asked if existing sign is internally illuminated. Mr. Thompson said yes. Mr. Watson was also concerned with the window sign, but he was satisfied with that discussion. He stated proposed signage is a big improvement over the existing. Ms. Raitt added, in Section G all existing signage will be removed.

Mr. West moved to approve Docket 3580. Mr. Lau seconded. Board voted unanimously in favor.

The Chair moved to the next item on the agenda, sign changes at Arlington Laundry Village at 807 Massachusetts Avenue. Mr. Thompson stated the owner wished to install a wall sign similar to others on the building, and described the dimensions and style.

Mr. Lau asked if the owner would reconsider the yellow background color, which does not blend in. Mr. Thompson stated the color is more ivory than yellow. Others stated the color looks yellow. Mr. Thompson had brought an aluminum sample with the ivory color, which the Board agreed was not yellow.

Mr. Lau stated the sign looked larger than others in the area. Ms. Raitt clarified that the point size of the lettering appears larger due to Photoshopping, and it is the same size as other signs. Mr. Lau stated he approved. Mr. Watson confirmed Photoshop made the font seem larger, but that it does conform. He asked why not go with white to be consistent with other signs. Mr. Thompson stated will comply if this is necessary, but owner prefers the ivory. Mr. Watson stated the color would make the proposed sign more prominent than others on the building.

Ms. Raitt stated the beige would soften the contrast a bit. Otherwise it conforms to other signage. Mr. Watson stated he will not insist on the color change. Mr. Thompson agreed to make the framing consistent.

Mr. Watson moved to approve the signage, with conditions as stated. Mr. Lau seconded. Board voted unanimously to approve.

The Chair moved to the next item on the agenda, Appointment of Housing Plan Implementation Committee members. The Chair stated he reviewed applicants' resumes and would have no problem appointing the entire slate. Mr. Benson asked how many openings there were, and Mr. Raitt replied they would need all members to join, and all would be recommended.

Mr. Lau stated a couple of applicants are new to the town. Ms. Zwirko stated that Elise and Elisa had the right backgrounds for the committee.

Mr. Benson also stated some misgivings about one of the new applicants' lack of expertise. Mr. Raitt stated they need members with different backgrounds, and the new members may have experience that current members do not.

Mr. Benson moved to appoint Elisa Hupp, Elise Selinger, Karen Kelleher, and Syri Silberman to the Housing Plan Implementation Committee. Mr. West seconded. Board voted unanimously to approve.

The Chair requested motion to adjourn. Mr. West so moved. Ms. Raitt asked what would be needed for the next meeting. Discussion followed. Mr. West again moved to adjourn. Mr. Lau seconded. Board voted unanimously to adjourn.

Arlington Redevelopment Board
November 7, 2018, 7:30 p.m.
Senior Center, Main Room, First Floor
Meeting Minutes

This meeting was recorded by ACMi.

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

STAFF: Jennifer Raitt, Director, Planning and Community Development

The Chair opened the meeting at 7:30pm and turned to the first item on the agenda, Environmental Design Review Special Permit – Public Hearing, 925-927 Massachusetts Avenue, Richard Fraiman for BF Arlington Properties, LLC.

Petitioner's attorney Robert Annese came before the Board. With him are Steve Allen, architect; and Mr. Fraiman, petitioner. The applicant is proposing renovation of the existing structure, which is deteriorating. On site there are three offices and one residential unit. Mr. Annese stated the owner proposes to renovate the structure and build an addition, and maintain three commercial units as well as three residential units. Mr. Annese stated they would not need parking relief, as the plot is already compliant and that Mr. Byrne [Michael Byrner, Director of Inspectional Services] has approved the designs; and perhaps in the future the property might be rezoned as mixed use.

Architect Steve Allen presented the application drawings. The existing footprint will be used, and there will be no conflicts caused by traffic circulation relative to the Stop and Shop next door. He stated there is not open space on the site; they are looking to add green space and create new landscaping. Mr. Allen confirmed the project would comply with the Zoning Bylaw, and no relief is needed. The property is nonconforming but this will be maintained. Mr. Allen stated the building will be more coherent as regards commercial/residential scale. He provided details on bike parking as well. Mr. Annese stated they will encourage residents to use their bikes if possible, and the design will fit well with the Master Plan. Mr. Allen presented lighting and plumbing details as well.

The Chair asked where trash storage might go. Mr. Allen indicated a possible location. The Chair asked if the lot lines would be fenced; Mr. Allen stated there is presently fencing on the site.

Mr. Annese mentioned Mr. Fraiman's role as a developer in the town, and his intent to fit the design with the Master Plan.

The Chair asked about the width of the driveway. Mr. Allen stated currently there are ten parking spaces available; this would not change, and the drive dimensions are sufficient.

Mr. Lau stated he generally approved of the design but two corner parking spaces do not work. Mr. Allen stated they could give up one spot to create adequate space. Mr. Lau stated that the building corner is right on the property line, causing the overhang to exceed the line. Mr. Allen stated they will look into adjusting the overhang. Mr. Lau asked about siding; Mr. Allen stated the building will be uniformly reclad.

Mr. West stated driveway will need management, possibly with paving or mirror, or a gate, to avoid pedestrian injury while backing out. He recommended discussing with the Building Inspector.

Mr. Watson commended the improvements on the site and asked how the existing structure is configured. Mr. Allen described the layout. Mr. Watson asked about irrigation and maintenance of green space; Mr. Allen stated this was in the plan. Mr. Watson asked whether bike parking could be made secure. Mr. Allen stated they would look into enclosure. There was a question about basement bike storage; Mr. Allen stated this also would be considered.

Mr. Benson expressed his approval of the improvements. He asked if bike parking would be for residents only and not for the offices. Mr. Allen stated right now the capacity is for residents only, with room for four bikes. Mr. Benson stated minimum needed is six. Mr. Allen and Mr. Annese stated they would look into designs for this, possibly hanging bikes. Mr. Watson stated an outside rack would be okay for the offices, but people should not be prohibited from bringing bikes into the building.

Ms. Raitt mentioned a small error in the application: in the zoning analysis, the frontage required is twenty feet, not thirteen.

The Chair opened the floor to public comment.

Chris Loreti asked the square footage of the office space. Ms. Raitt replied 2,620 square feet.

Mr. Loreti asked how adding a second story is not increasing the nonconformity of the front of the building. Mr. Allen and Mr. Annese stated the Building Inspector has indicated they are not. Mr. Loreti asked if there is anything in writing from the Building Inspector. Mr. Annese stated there is not. Mr. Loreti stated that there is an exception for a one- or two-family home if building within the footprint; since this is not a one- or two-family home, that exception does not apply, and according to the bylaw, this is an increase in the nonconformity.

Mr. Loreti asked if there is evidence that the total lack of usable open space existed prior to the 1975 zoning bylaw requiring that space. He was asked to repeat the question. Mr. Loreti stated that the site has no usable open space; did it have no usable open space prior to the zoning bylaw requirement for usable open space in the R5 district passed around 1975? Mr. Annese replied the building was built in 1900, and the configuration has not changed since then. Mr. Loreti stated the question does not pertain to the building but to the usable open space. Mr. Loreti indicated the building may not be in compliance with usable open space regulations. Mr. Annese stated they are creating 480 square feet of landscaped open space. Mr. Loreti again questioned the legality of the usable open space, and stated they might cut down on parking to increase open space.

Mr. Loreti stated he saw the materials online but did not see how those elements were met to get the number of points arrived at, and hoped the Board receives that before voting on the project; and that they receive something in writing about the cladding materials. Mr. Annese stated the appropriate documents were submitted, with more information than they were required to give.

The Chair closed public comment and opened for Board discussion. Mr. Lau mentioned putting a softer edge along the fence; enclosed bicycle parking; and looking at the overhang at the front

Mr. West stated another condition is driveway safety when backing out.

Mr. Watson asked for the minimum number of parking spaces; Ms. Raitt replied eight. The Chair stated they lost one space, so they are now at nine, with another possible reduction due to buffer space. Mr. Watson stated he preferred reducing by one more space if possible.

Mr. Lau stated it looks as if there is sufficient space for a turnaround; Mr. Allen agreed.

Mr. Watson stated given the location of the building, this would be a good opportunity to minimize the use of single occupancy vehicles and to minimize paved parking areas.

Mr. Benson would like to see how the storm water would be handled. The Chair requested the applicant address water management. Mr. Allen stated they did not have a plan. Mr. Lau recommended an engineer into a storm water management school system under the paved parking.

The Chair asked if the Board was ready for a vote. Mr. Watson stated yes, as long as appropriate conditions are met -- reducing the number of parking spaces and enhancing bike spaces. Ms. Raitt noted secure parking for six bikes; Mr. Watson added, exterior bike rack for offices. Mr. West added, increasing the landscape buffer if possible, possibly losing up to two parking spaces.

Mr. West asked Ms. Raitt if she had noted Mr. Lau's conditions as well. She then read the conditions: increased buffer along the fence in the back, leading to a possible loss of up to two parking spaces; working on a general reduction of onsite parking; providing a plan to manage driveway safety; secure parking for six bikes, and installation of exterior rack for business use; addressing the overhang on the lot corner edge; addressing the storm water management plan with the town engineer; and final material review by the Department. Mr. West requested Ms. Raitt amend secure bike parking to secure and enclosed residential bike parking.

Mr. Lau motioned for a vote. Mr. West seconded. Board voted unanimously in favor of approval with conditions.

The Chair moved to the next item on the agenda, Continued Public Hearing -- Zoning Bylaw Amendment/ Medical and Recreational Marijuana Establishments, and stated that entered into the record are Chris Loreti's question regarding the use of retail and industrial zones, and the Town Counsel's response. The item was opened for public comment.

John Gersh of Kipling Road stated the twenty percent number seems drastic and punitive and might kill a real industry in compliance with the state vote.

Mr. Loreti stated that currently retail is not allowed in the industrial zone, except under limited circumstances, and retail marijuana should not be an exception. Regarding buffer zones, Mr. Loreti stated he was unaware that towns could make buffers more stringent than they are in state law, and suggested the Board look into this.

The Chair invited comments from Dr. Sarah Augood of the Marijuana Study Committee. She stated the buffer zone language was arrived at by comparing other municipalities and towns, balancing the safety of the community with the needs of the marijuana providers.

The Chair closed public comment and brought the matter back to the Board. Ms. Raitt stated that all comments and edits have been posted on the online agenda. Ms. Raitt stated they need to strike the existing definition of recreational marijuana establishment from the current bylaw and add new definitions; added "offsite delivery" in the marijuana retailer. Mr. Watson asked if in "marijuana use" definition, changes were made to conform to tables; Ms. Raitt confirmed. She added that "marijuana production facility" was amended to address collocation, striking the word "both." She referred to page 6, location regulations, B3 -- marijuana retailer not permitted within two thousand feet of another marijuana retailer, striking "or medical marijuana treatment center."

Mr. Benson stated this might mean that now two treatment centers might be allowed within five feet of each other, and requested similar language be applied to treatment centers. Ms. Raitt stated this language applies only to retail, not

treatment centers, which the Chair stated would be treated as medical facilities. Ms. Raitt stated the current buffer zones would address this. Discussion ensued.

The Chair invited comment from Dr. Augood, who stated that the intention was that any marijuana facility – recreational or medical – not be within two thousand feet of any other marijuana facility, recreational or medical.

Mr. Watson asked if, other than a collocated facility, there would not be a retailer within two thousand feet of either a retailer or a treatment center. Dr. Augood stated this was her understanding. Mr. Benson stated it doesn't make sense if they allow collocation.

The Chair stated he had no problem with a retailer close to a treatment center, as they serve a different clientele, and that a two thousand foot buffer between retailers is reasonable. He recalled the rep from the Massachusetts Patient Foundation stating that the likelihood of another treatment center opening was slim to none.

Mr. Benson proposed the same buffer apply between medical establishments as between retailers. Discussion ensued. Mr. West stated it was likely that medical marijuana would be phased out eventually, and retailers would stay. Board members agreed to use the same buffer language for both retail and medical facilities.

Mr. Watson made an editorial change, and the discussion moved to the twenty percent license cap.

Mr. Benson stated the state law uses the twenty percent of liquor licenses ratio. He didn't see any rational nexus between the number of medical marijuana retailers and liquor licenses. He suggested capping marijuana licenses at three, not two, and explained his reasoning, regardless of the maximum or minimum licenses set by the state.

Board members agreed they cannot go below the twenty percent cap minimum set by the state, but might allow for exceeding that minimum. Ms. Raitt stated the town could set limits with a ballot issue.

Mr. Watson asked if the intention was to limit it to a greater extent than state law. Ms. Raitt replied that the twenty percent cap was determined by the Study Committee.

Mr. Lau suggested striking the whole paragraph and referring back to state law. The Chair stated that would mean a default to state law, no more than two. Mr. Watson corrected this, stating there could be more than two. Mr. Lau again suggested striking the cap, and the buffers will take care of this. Discussion ensued.

Dr. Augood stated that because surrounding towns are no-votes, Arlington will attract business, and this requires a balance between increased business and risks, avoiding being overrun by marijuana establishments.

Mr. Benson suggested three licenses. The Chair agreed. Ms. Raitt amended the twenty percent cap to three licenses maximum. Regarding the industrial zone, Mr. Benson agreed with Mr. Loreti that retail marijuana facilities should be prohibited there. Ms. Raitt explained that limited retail is not prohibited in the industrial zone but is discouraged. Mixed use is allowed, but not residential. Mr. Watson stated if they do not allow marijuana facilities in the industrial zone, this would limit the number of facilities. Mr. West asked what the criteria is for mixed use; Ms. Raitt replied that a marijuana retailer that also does production would qualify; or possibly research and retail. The consensus was that this scenario is unlikely. Ms. Raitt stated the original intent of including industrial zones was because there are already limitations in place. She stated they could include PUD and multi-use zones.

Mr. Benson suggested making it clear that in order to locate in industrial zones, retailers would need a special permit from the Board. No changes proposed.

Ms. Raitt stated she will present a draft report; the Board initially agreed to meet again Tuesday the 13th, when they would vote on the draft. The Chair preferred to vote this evening. Ms. Raitt stated everything was in place except the new language from Mr. Benson. The Board rescheduled the meeting to the 19th.

The Chair proposed voting on the language of the bylaw amendments this evening, and voting on the report on the 19th, without an extra meeting.

Ms. Raitt stated the Board would be building on the bylaw amendments as amended, recommending them to Special Town Meeting on December 5th.

Mr. Benson so moved; Mr. Watson seconded. The Board voted unanimously in favor.

The Chair closed the public meeting and moved to the next agenda item, Sign Bylaw Amendments. Ms. Raitt handed out a summary of a meeting held on October 29th at the Ottoson. She stated stakeholder interviews have presented the greatest feedback on whether the existing sign bylaw is effective or not. Check-in point to be expected by the December 17th meeting. Ms. Raitt recommended Board members be interviewed by Erin, and barring that, send her comments.

The Chair moved to the next item, 2019 meeting schedule. Ms. Raitt requested a vote so she could post. Mr. Benson moved to adopt; Mr. West seconded; Board voted unanimously in favor.

Mr. West moved to accept September 17th meeting minutes as amended. The Board voted unanimously in favor.

The Chair moved to adjourn. Mr. West seconded. The Board voted unanimously in favor.

Meeting adjourned.



Town of Arlington, Massachusetts

Correspondence received

Summary:

Correspondence received: Letter to Jennifer Raitt re Hearing 2018 12 10

ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	Letter_to_Jennifer_Raitt_re_Hearing_2018_12_10_(1).pdf	Correspondence received: Letter to Jennifer Raitt re Hearing 2018 12 10

ROBERT J. ANNESE
ATTORNEY AT LAW

December 10, 2018

Jennifer Raitt, Director (via e-mail: JRaitt@town.arlington.ma.us)
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Mary Muszynski (via e-mail: mmuszynski@town.arlington.ma.us)

RE: Hearing Scheduled for Monday, December 17, 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 from the hearing date of December 17, 2018 as he is continuing to make modifications to the plans as originally submitted and in addition his designer has a previously scheduled hearing in another town on the evening of December 3rd which was scheduled more than a month ago.

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."

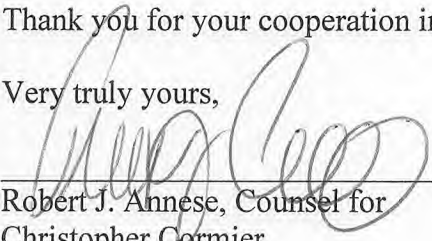
That section further provides in part as follows: "the required time limits for a public hearing in said action may be extended by written agreement between the petitioner and the special permit granting authority."

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

I would be requesting that the hearing be continued until the next hearing date which I believe is scheduled for January 7, 2019 at 7:30 p.m.

Thank you for your cooperation in this matter.

Very truly yours,


Robert J. Annese, Counsel for
Christopher Cormier

Assented to:

By:
Arlington Redevelopment Board