



Town of Arlington, MA Redevelopment Board

Agenda & Meeting Notice December 2, 2019

The Arlington Redevelopment Board will meet Monday, December 2, 2019 at 7:30 PM in the **Town Hall Annex, 2nd Floor Conference Room, 730 Massachusetts Avenue, Arlington, MA 02476**

1. Broadway Corridor Student Project Presentation

7:30 p.m. - Students from the MIT Department of Urban Studies and Planning
8:30 p.m. Master's Program Practicum class will present their project work to date and seek feedback from the Board and public on their recommendations for the Broadway corridor in Arlington

- The MIT student team will present their work
- Members of the Board and public may provide feedback

2. Housing Plan Implementation Committee update

8:30 p.m. - Members of the Housing Plan Implementation Committee will provide the
9:00 p.m. Board with an update on a proposal to create a Municipal Affordable Housing Trust Fund (MAHTF). Details on MAHTFs can be found in the Guidebook attached to this agenda item.

- HPIC members and staff will present
- Board members will discuss and may move to support advancement of proposal

3. Potential Zoning Bylaw amendments for 2020 Annual Town Meeting

9:00 p.m. - Board members will discuss and may move to support advancement of
9:45 p.m. proposals

4. Meeting Minutes (11/4)

9:45 p.m. - Board members will review minutes and may vote to approve them
9:50 p.m.

5. Open Forum

9:50 p.m. - Except in unusual circumstances, any matter presented for
10:10 p.m. consideration of the Board shall neither be acted upon, nor a decision made the night of the presentation. There is a three minute time limit to present a concern or request.

6. Adjourn

10:10 p.m. - Adjourn



Town of Arlington, Massachusetts

Broadway Corridor Student Project Presentation


Summary:

7:30 p.m. -
8:30 p.m.

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ATTACHMENTS:

Type	File Name	Description
 Reference Material	Presentation_20191202_ARB_Reduced_(1).pdf	Broadway Planning Study:10/28 Workshop Files

Broadway Corridor Planning Study

Demographics
Economic Development
Housing

Built & Natural Environment
Mobility
Community Engagement

ON BEHALF OF:



- Presentation to -
ARLINGTON REDEVELOPMENT BOARD
Dec. 2, 2019

A detailed street map of a neighborhood, likely in Boston, showing a grid of streets including Harlow, Everett, Grafton, Oxford, Winter, Cleveland, Marathon, Waldor, Heath, Hilton, Norcross, Hadley, Michael, and Sunnyside. Landmarks like Lesley Ellis School and Thomson Elementary School are marked. A red banner is overlaid on the top left.

01

Introduction

ABOUT US

We are students from a graduate urban planning practicum course at MIT's School of Architecture & Planning, intended to develop professional skills in the context of real-world planning needs.

We are 9 students from MIT itself and 1 student from Harvard.

Weyi Cao
Chongqing, China

Vakhtang Kasreli
Tbilisi, Georgia

Peter Damrosch
Brooklyn, NY

Kendrick Manymules
Window Rock, AZ

John Fay
Quincy, MA

Ian Ollis
Johannesburg, S. A.

Ognyan Georgiev
Sofia, Bulgaria

Paulo C. A. Perez
Valparaiso, Chile

Griffin Kantz
Los Angeles, CA

Mary Hannah Smith
Phoenix, AZ



WHY BROADWAY?

We have been invited by the Dept. of Planning & Community Dev't. to study the Broadway corridor and to collect ideas to address its current & future needs.

The Broadway corridor has appeared in several recent town-wide planning studies (e.g. the 2015 Master Plan and the 2017 Arts & Culture Action Plan). However, until now, Broadway has not yet been the subject of its own intensive plan or planning study.



WHAT IS OUR ROLE?

After speaking with local residents, conducting additional data-based research, and convening a public workshop, our group is now offering preliminary recommendations in the form of this presentation and a printed report.

Our planning work will serve to inform Town officials and representatives on how the future of the Broadway corridor may be diligently shaped for community benefit. The recommendations are only advisory.



STUDY AREA

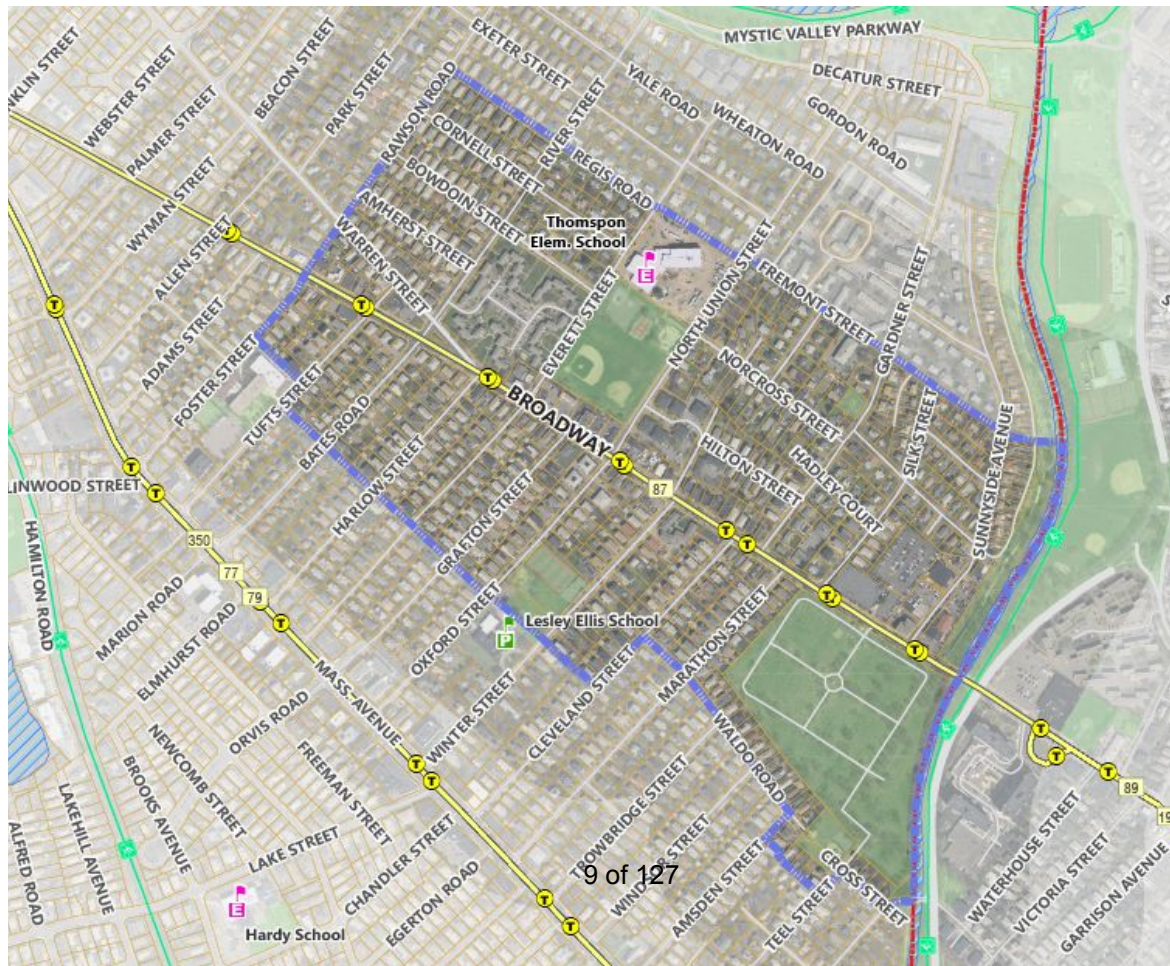
To study the built environment and population which would be most directly affected by any planning interventions, while distinguishing activities on & near Broadway from those near Mass. Ave., we defined a study area boundary. We used roads, Alewife Brook, and property lines as boundaries.

Western bound:
Rawson Rd.

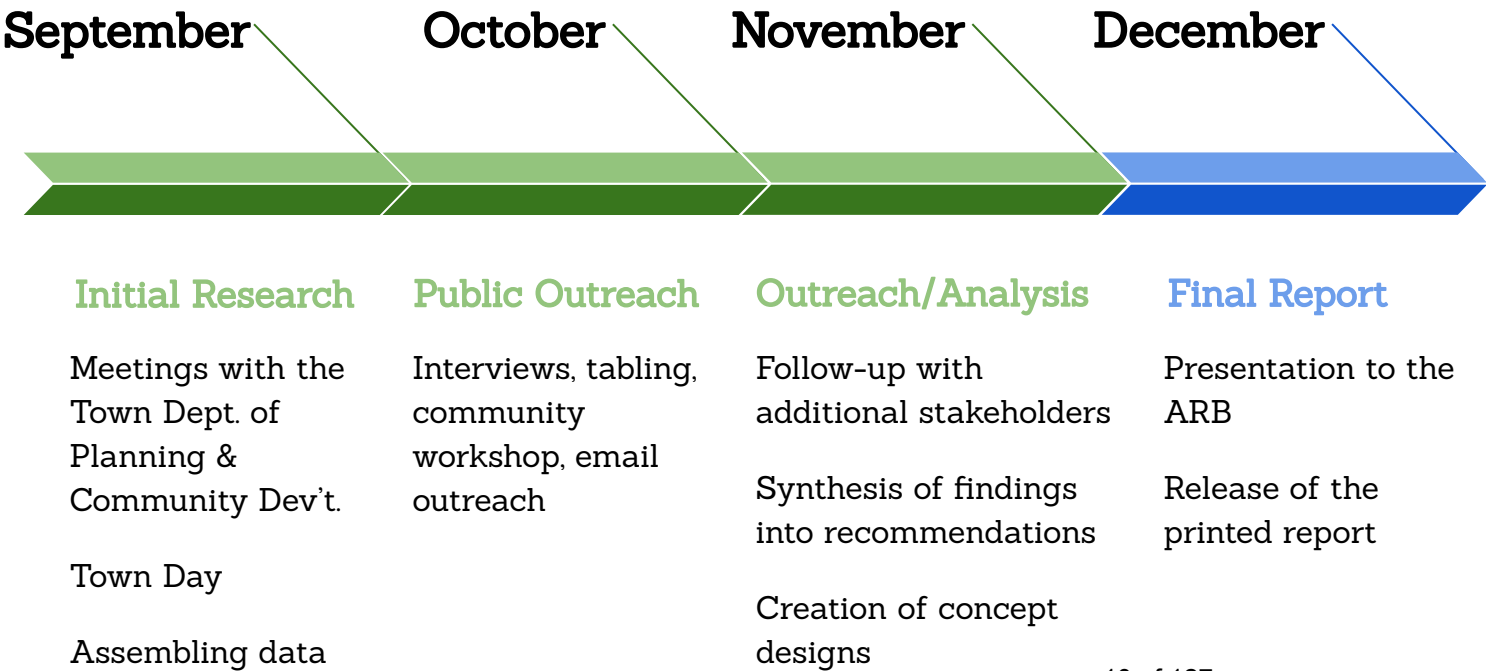
Northern bound:
Regis Rd., Fremont St.

Eastern bound:
Alewife Brook / Town border

Southern bound:
Raleigh St., Waldo Rd., Cross St.



PROJECT TIMELINE



02

Community Engagement





On the Street



Direct Outreach



Workshop



Knowledge Sharing



TABLING WITH AREA RESIDENTS

We held two tabling sessions on Broadway, asking for input from residents:

- >> “What do you like about Broadway?”
- >> What don’t you like about it?
- >> What do you think are major areas for improvement?”

In total, we spoke to **25** people on the street.



On the Street



Direct Outreach



Workshop



Knowledge Sharing

LOCAL GROUPS

We also met with representatives from multiple organizations, including:

- Equitable Arlington
- Arlington Residents for Responsible Redevelopment
- Housing Corp. of Arlington
- Mystic River Watershed
- Thompson Elem. School Parent-Teacher Organization

BROADWAY BUSINESSES

We've been speaking in person with local businesses along the corridor and inquiring about their needs and the needs of their customers..

EMAIL OUTREACH

On the specific topic of transportation needs, we reached out to & received written feedback from 13 community members -- many via the Transportation Advisory Committee.



On the Street



Direct Outreach



Workshop



Knowledge Sharing



COMMUNITY WORKSHOP

On the night of Oct. 28, we held a community workshop in the Hardy Elementary School library. **24** community members participated in the workshop, which involved an initial presentation of our research, followed by breakout discussions in small groups.

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On the Street



Direct Outreach



Workshop



Knowledge Sharing



INREACH

We met with the following Town committees to field their thoughts on the future of the Broadway corridor:

- Transportation Advisory Committee
- Tree Committee
- Police Department (for traffic safety data)
- Director, Recreation Department



Three focus topics:
(emerging from our outreach process)

- *Focus Site: Lahey Building/*
“Gateway” to Arlington

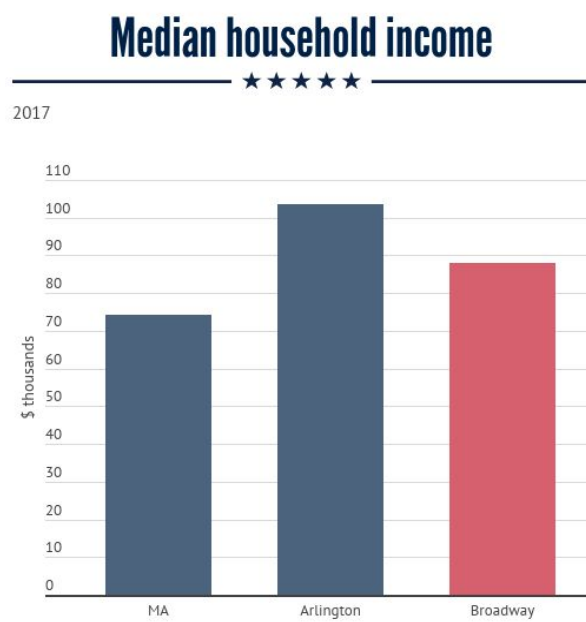
- *Focus Site:* **Streetscape**

- *Focus Site:* **Lussiano Field**

03


Housing






The cost of having a house

★★★★★

**37%**

Of households are cost-burdened and **spend over 30% of their monthly income on housing**. **11% of households spend over 50%.**

This includes renters, as well as owners.

**\$ 2504**

Is the median monthly cost of housing in Broadway corridor, **19% above the MA median**. For Arlington as a whole, the gap is even bigger - **\$ 2734 or 30% above the state median**.

Arlington is a great place to live, but is becoming harder to afford.

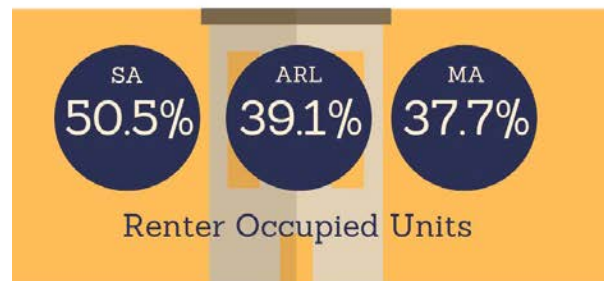
The median income in the study area, while above the statewide level, is below the median income for town as a whole.

Housing affordability, or the cost of buying or renting a home, is increasingly a problem for residents in Arlington, as in much of the Boston area.

The neighborhood around Broadway has been an important source for affordable housing in Arlington, and there's potential for even more.

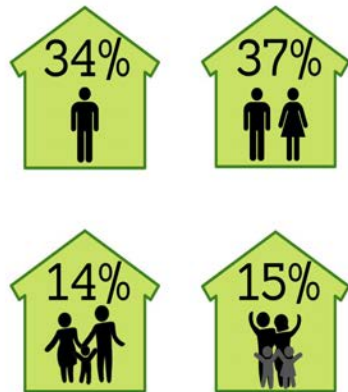


RENT OR OWN?



SA = Study Area

HOUSEHOLD SIZE

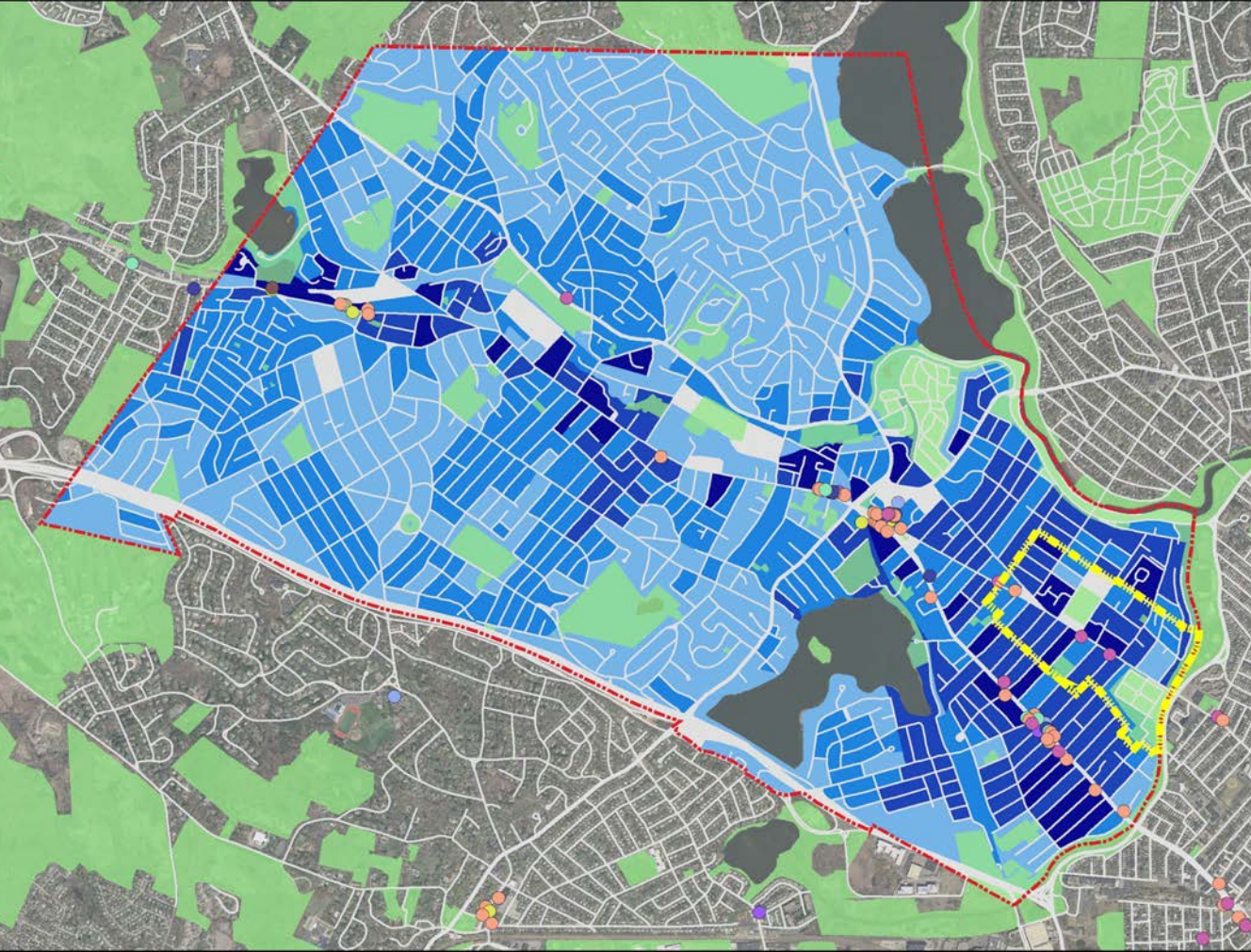


Households in the study area are similarly varied in size.

60 yrs

Median age of homes in the study area.

The residential units along the corridor are predominantly 2.5-story buildings with a few triple-deckers.



MAKING THE BEST USE OF PROXIMITY

Broadway is centrally located in the densest area of Arlington, with great connectivity to Arlington Center and Somerville, but there aren't the same level of commercial amenities as in other parts of the town. Should that change?

- No Housing Units

0-5 Housing Units per Acre

5-10 per Acre

10-15 per Acre

>15 per Acre

Protected and Recreational Open Space

Points of Interest (from OpenStreetMap)

bakery

bank

bar

bookshop

cafe

cinema

convenience

department_store

fast_food

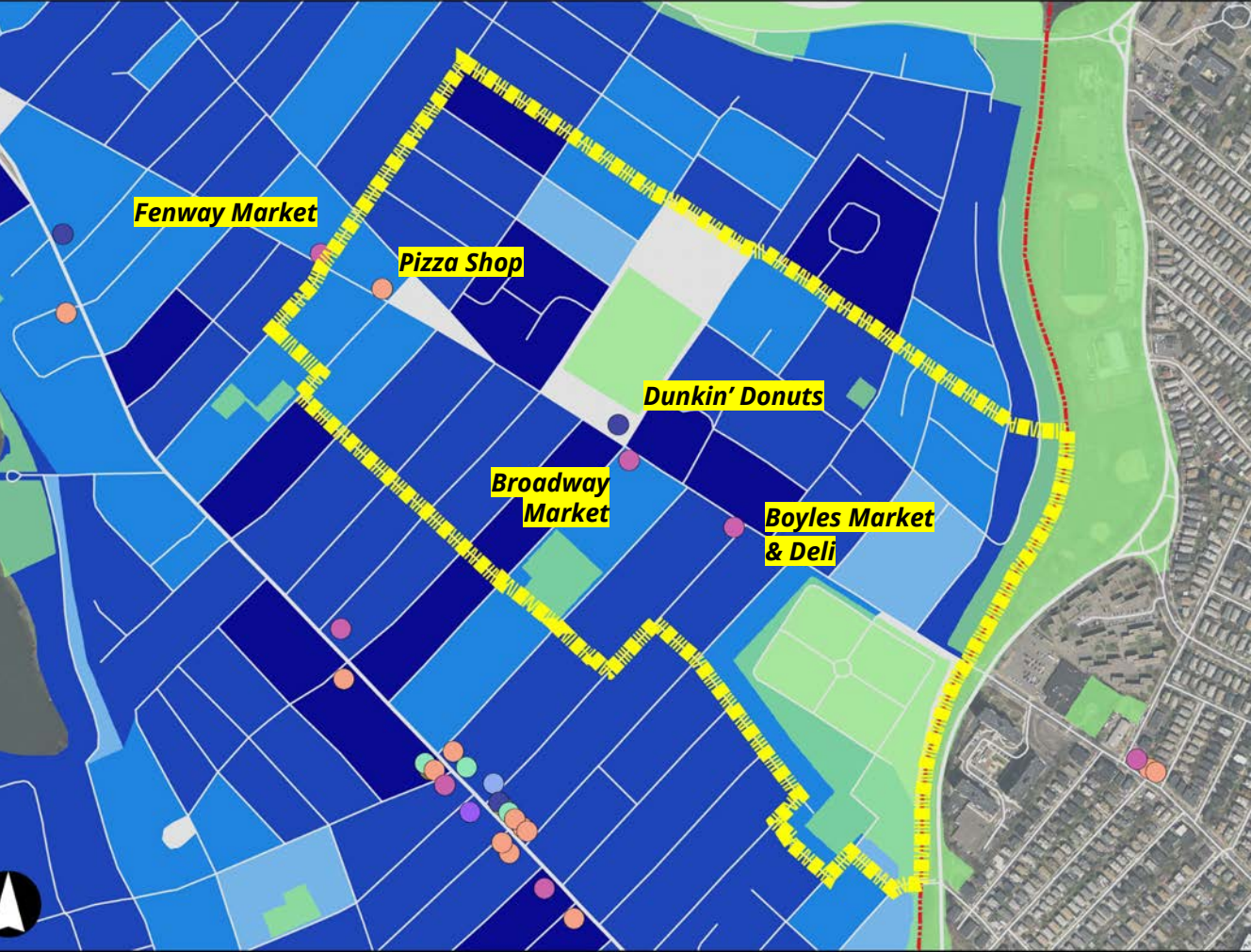
library

pharmacy

public_building

restaurant

supermarket



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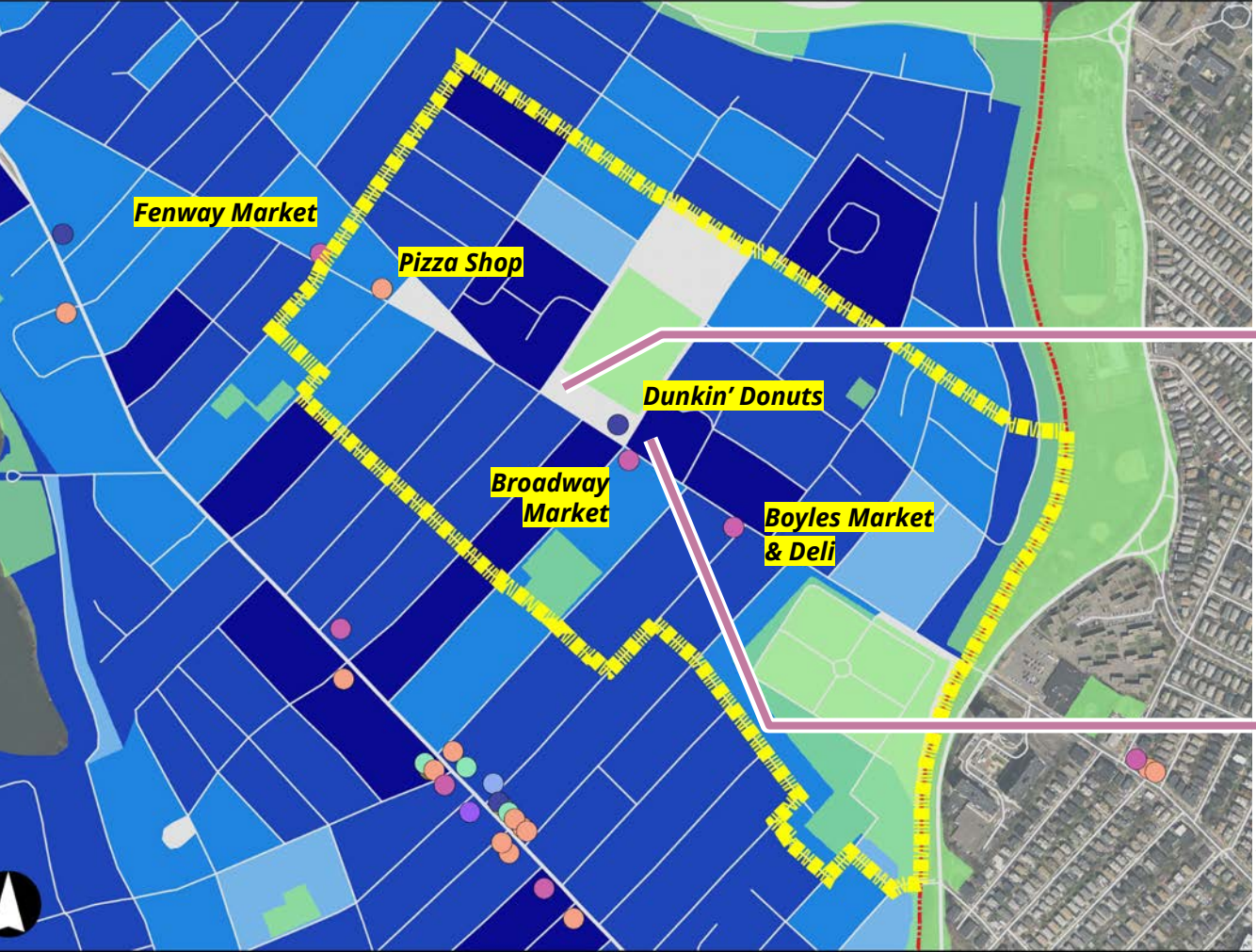
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RECENT/UPCOMING DEVELOPMENTS

117 Broadway
14 affordable units
with ground-floor commercial



87-89 Broadway
3 3-bedroom market-rate units
with ground-floor commercial



WHAT WE'VE HEARD

- **Affordable housing quantity** is the top policy priority.
- However, don't neglect quality.
- Community members are **open-minded to denser housing development** along Broadway, but point out **traffic & school funding** constraints.
- Community members would like to see **more amenities near where people live** on Broadway.



OUR HOUSING RECOMMENDATIONS

INCENTIVIZE & SHAPE AFFORDABLE HOUSING GROWTH

- Review dimensional restrictions on **height & density** to improve viability of **affordable & mixed-income housing developments**.
- Host **community processes** about how public land may be acquired for affordable housing.
- Examine **underutilized land parcels** for redevelopment. Plan a new future for the “Gateway”/Lahey Building site and the parcels adjacent to Lussiano Field. [»Later in this presentation we present our vision for these sites.](#)

ENSURE HIGH QUALITY OF LIFE ON BROADWAY

- Ensure future development addresses **hazards from flooding and extreme weather**.
- **Ground-floor retail** should contribute to **streetlife**.

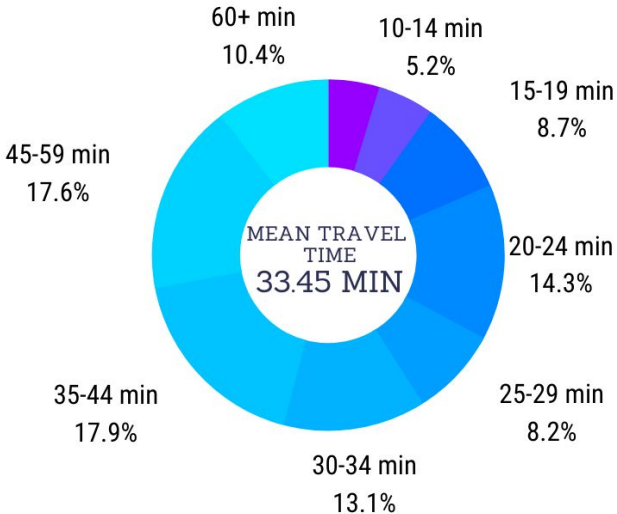
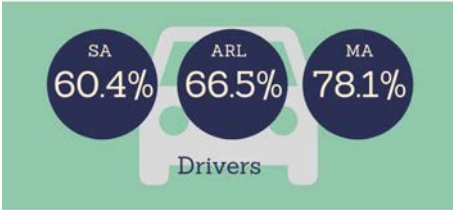
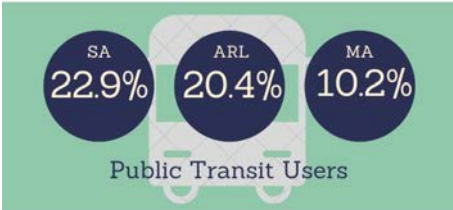
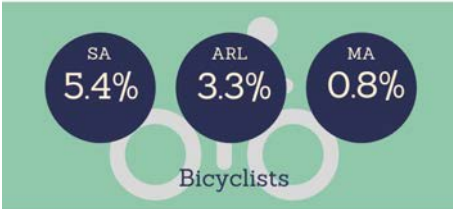
04

Mobility





HOW DO RESIDENTS COMMUTE?



HOME-WORK COMMUTE

By far, most residents get to work by car. However, the Broadway corridor has a high percentage of bicyclists and transit riders.

Most residents do not work in Arlington -- they work in Boston, Cambridge, or Somerville.

Those who do work along Broadway mostly commute from other cities/towns.

Reliable, regional transportation is important for the corridor.

WALKABILITY

Where do people walk?

Corner markets, Stop & Shop, childcare centers, schools, bus stops, parks, Arlington Town Center, etc.

✓ Strengths:

- Sidewalks on every street
- (Somewhat) frequent crosswalks on Broadway
- Great tree shading on side streets

✗ Weaknesses:

- Long street width to cross
- Damage from tree roots
- Long distance to major retail
- Poor tree shading on Broadway
- Safety concerns at intersections

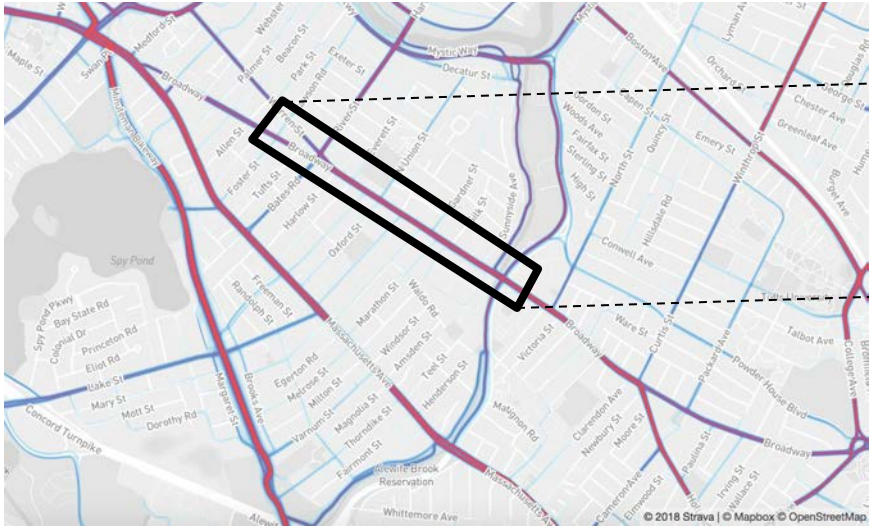


Crossing the intersection at Broadway and Warren St.-River St. can be difficult.



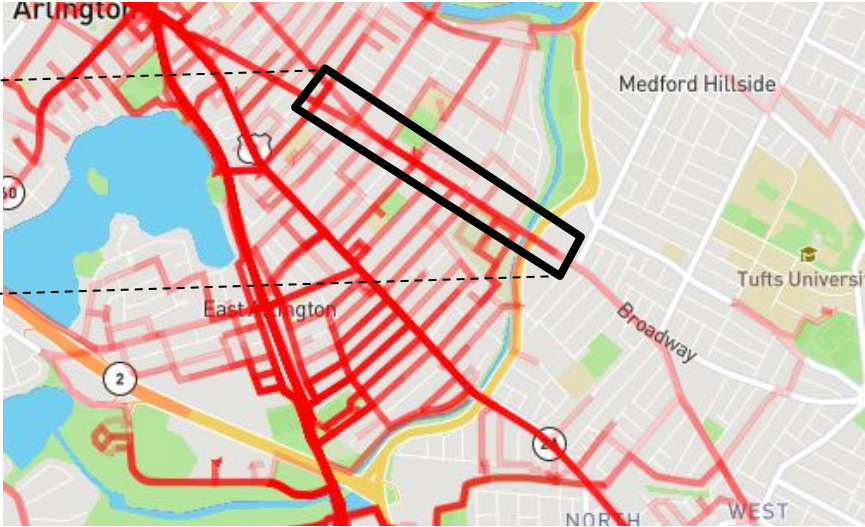
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Curb extensions could help shorten crossing distances and slow traffic.

BICYCLING



STRAVA MAP

GPS data from biking smartphone app.



LIME BIKES

GPS data from dockless bikes.

BICYCLING

Not safe for all

Safe for all, but requires space



CURRENT CONDITIONS

42-44 ft wide; two traffic lanes
and parking on each side

WHAT IS POSSIBLE?

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Left: Arlington, VA
Right: Boulder, CO

TRANSIT

MBTA #87 (below) serves Broadway, whereas **#88** and **#89** start from Clarendon Hill. All three are heavily used, and are often crowded in the morning rush hour. The **#87** terminates at Clarendon Hill, outside Arlington, on Sundays.



Morning
On-boardings

Morning
Off-boardings

TRANSIT



**CURRENT
CONDITIONS**
Bus stop on Broadway.



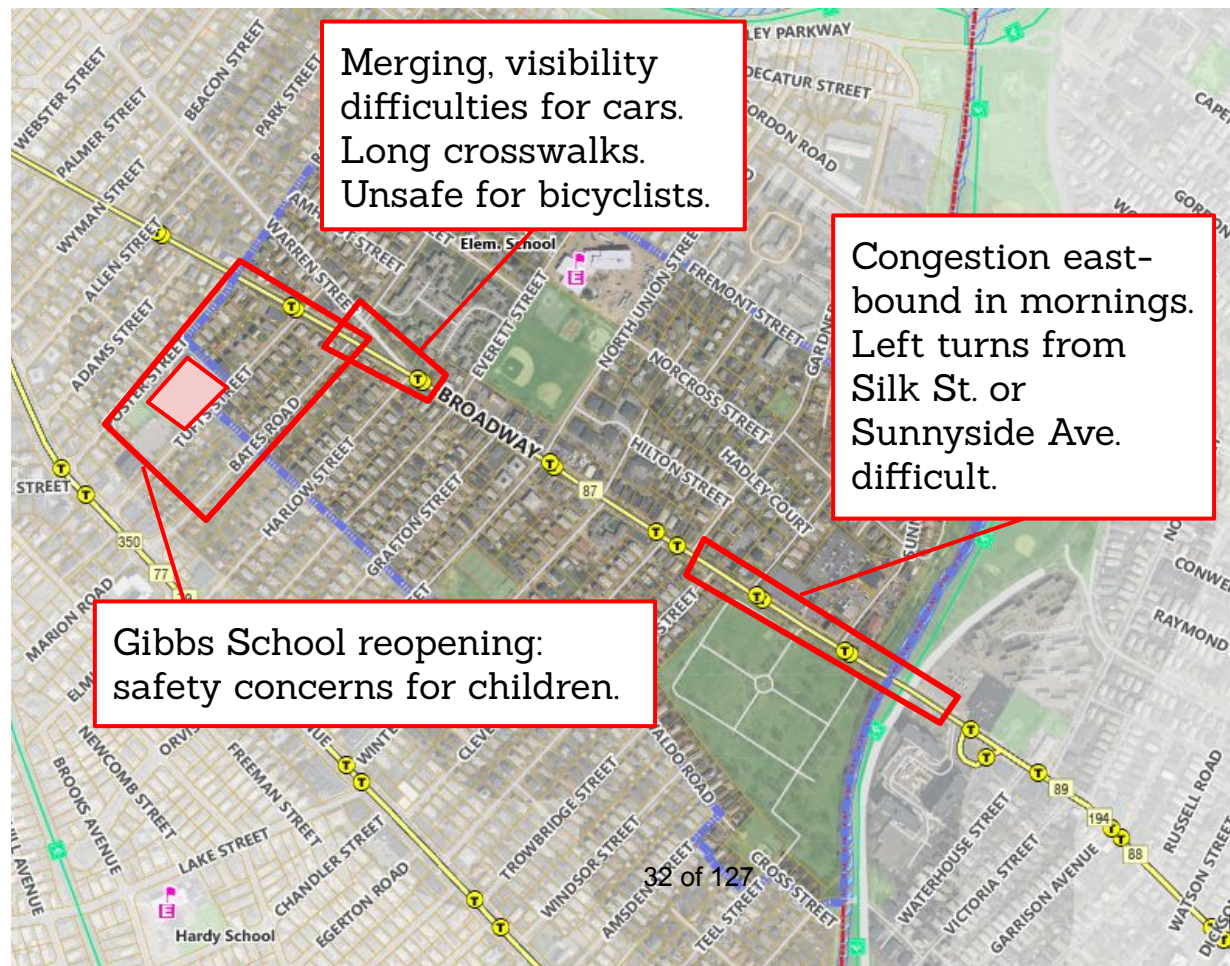
WHAT IS POSSIBLE?
Benches and bus shelters elsewhere in ^{31 of 127} Arlington and Somerville.
Bus/bike lane in Allston. Drinking fountain: UrbanFF vendor's photo.

WHAT WE'VE HEARD

- With mobility, **pedestrian and bicycle safety** are the top concerns.
- Many crosswalks are unsafe.
- Residents would appreciate **having places to walk to**.

"We really need **bike lanes** here."

"The Warren St. intersection is a **deathtrap**, for everyone--cars, pedestrians, and bicyclists."



OUR **MOBILITY** RECOMMENDATIONS

CORRIDOR-WIDE

- Implement **bike lanes** along Broadway, potentially removing parking on one side of the street to do so.
- Make **walking routes to school safer**: improve crosswalks.
- Improve the pedestrian & transit-user environment: **bus stop shelters, benches, night lighting, tree shading**.
- Advocate for Arlington Center **Sunday service on MBTA #87 bus**.

INTERSECTIONS

- **Improve safety & traffic flow for all modes at the Sunnyside Ave. & Alewife Brk. Pkwy. intersections**, following a study. Consider a bus/bike-only lane on the eastbound approach to Alewife Brk. Pkwy.
- **Improve safety for all transportation modes at the Broadway/Warren St. intersection** through a redesign. Shorten crosswalks with curb extensions and consider realigning traffic.

05

Neighborhood Character





ASSETS

- Tree lined streets
- Well-kept, traditional-style residential buildings
- Several well-loved neighborhood stores generating foot traffic
- Lussiano Field



OPPORTUNITIES

- Vacant lots or unused buildings
- Dead facades
- Parking surrounding buildings
- Large empty yards in front of apartment buildings
- Variety of forms, no unifying characteristics for buildings or their relationship to sidewalk

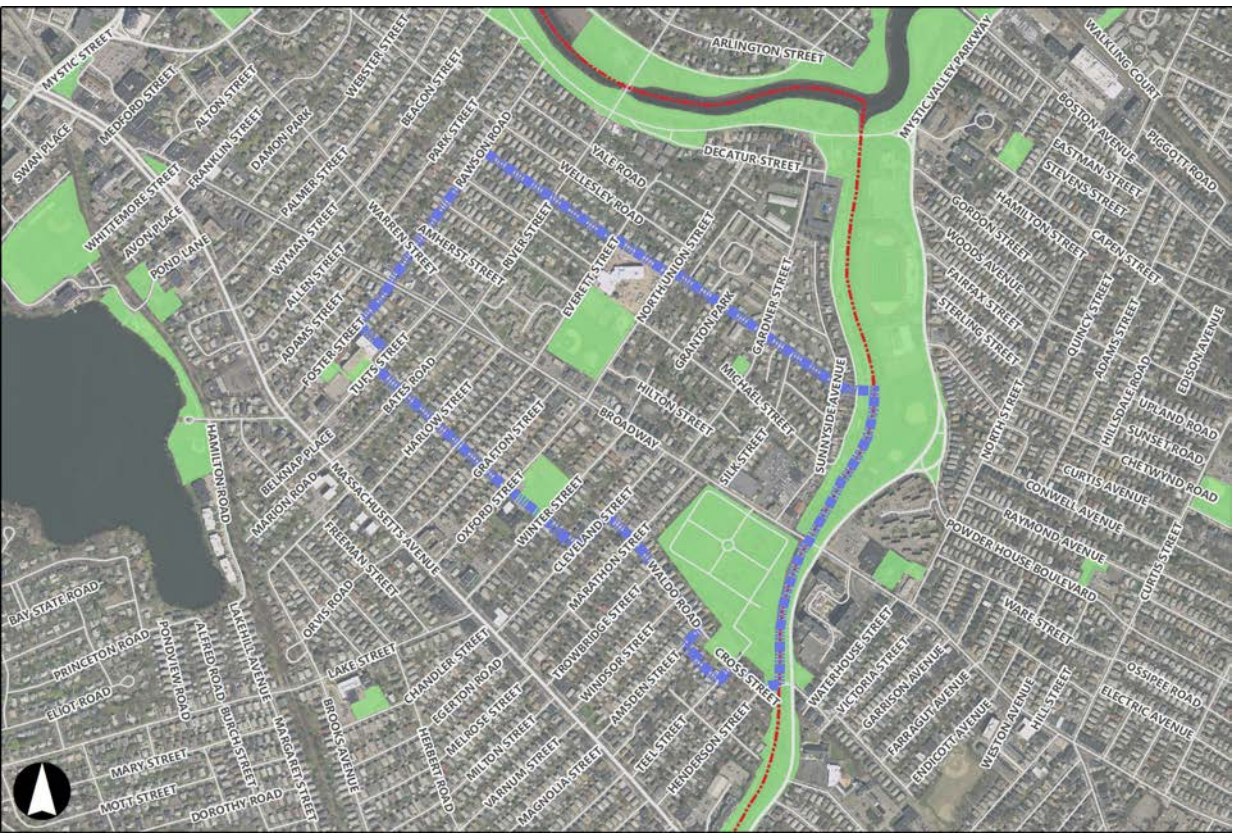


NEW VIBRANCY

- Learn to Grow Daycare
- Dunkin': most lively communal space on the corridor.
- 117 Broadway



Credit: Housing Corporation of Arlington



GREEN SPACE

Residents have access to several green spaces in close walking distance.

Recreational:

- Alewife Brook
- Crosby Park
- Lussiano Field
- Spy Pond Park

Non-recreational:

- St. Paul Cemetery
- Triangle at Broadway/ Warren St.

Lussiano Field is the largest recreational park, and is central to the study area.



Parking lot for Lahey Building, Broadway.

ENVIRONMENTAL CHALLENGES

- Flooding along Alewife Brook
- Urban heat island effect
- Stormwater Contamination

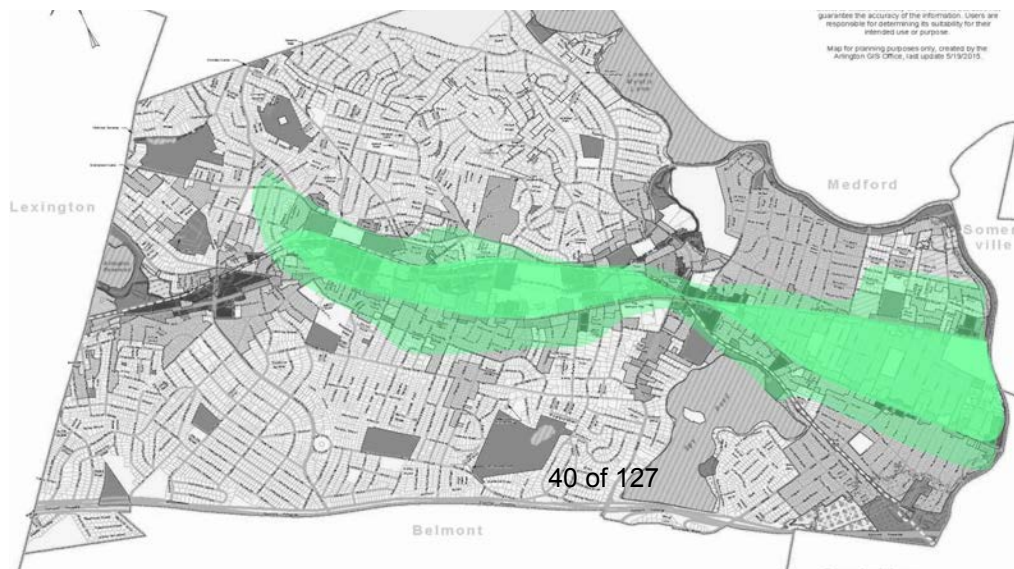
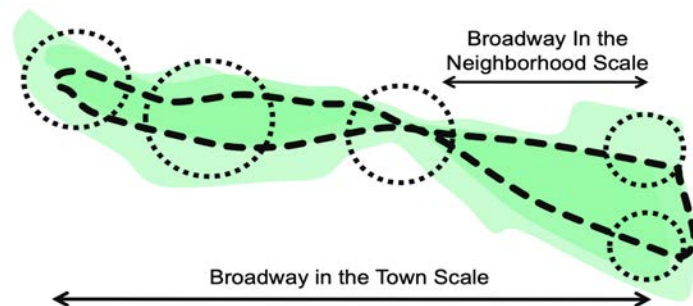
Any changes to neighborhood should address high volume of impermeable surfaces and the patchy tree canopy

WHAT WE'VE HEARD

- Community members appreciate the **calm neighborhood character** but desire **more things to do nearby**.
- They agree Broadway can & should facilitate **better street life**.
- Broadway can accommodate denser development such as 4-5 story structures, but 10 stories would be excessive.

"Why don't we have the kind of coffee shops and restaurants that others have?"

*"It'd be great to bring more of the **vibe of Arlington Center** down here."*



OUR NEIGHBORHOOD CHARACTER RECOMMENDATIONS

FROM “GRAB & GO” TO “COME & STAY”

- **Activate the ground floor**, through improvements to the built environment and **encouraging street-frontage retail spaces** for restaurants and small businesses
- Encourage **temporary & tactical activation of streetscape**, such as parklets, street festivals, etc.

ACTIVATE LUSSIANO FIELD

- Engage future developments to provide **visual and physical access to the field** from Broadway
- Create **bike parking and public spaces**, and renovate facilities

PRESERVE THE NEIGHBORHOOD ENVIRONMENT

- **Preserve and expand the existing tree canopy**
- Ensure that **new construction responds to current & future climate hazards**.

06

Focus Sites





Lussiano Field

- Lussiano Field
- Arlington Food Pantry
- East Cambridge Savings Bank
- Dunkin'

"Gateway" Site (Lahey Building)

- Lahey Health Primary Care
- Visiting Nurse and Community Care
- ZipWall Dust Barrier System
- Arlmont Fuel
- Cambridge Strength and Conditioning
- Boyle's Body Works



Understanding the Sites

Outreach • Research • Field Visits

Design Iterations

Program • Charrettes • Feedback

Concept Designs

Regional Needs

- Housing capacity
- Activities & social uses
- Leverage transportation connectivity & minimize burdens
- Enhance neighborhood character

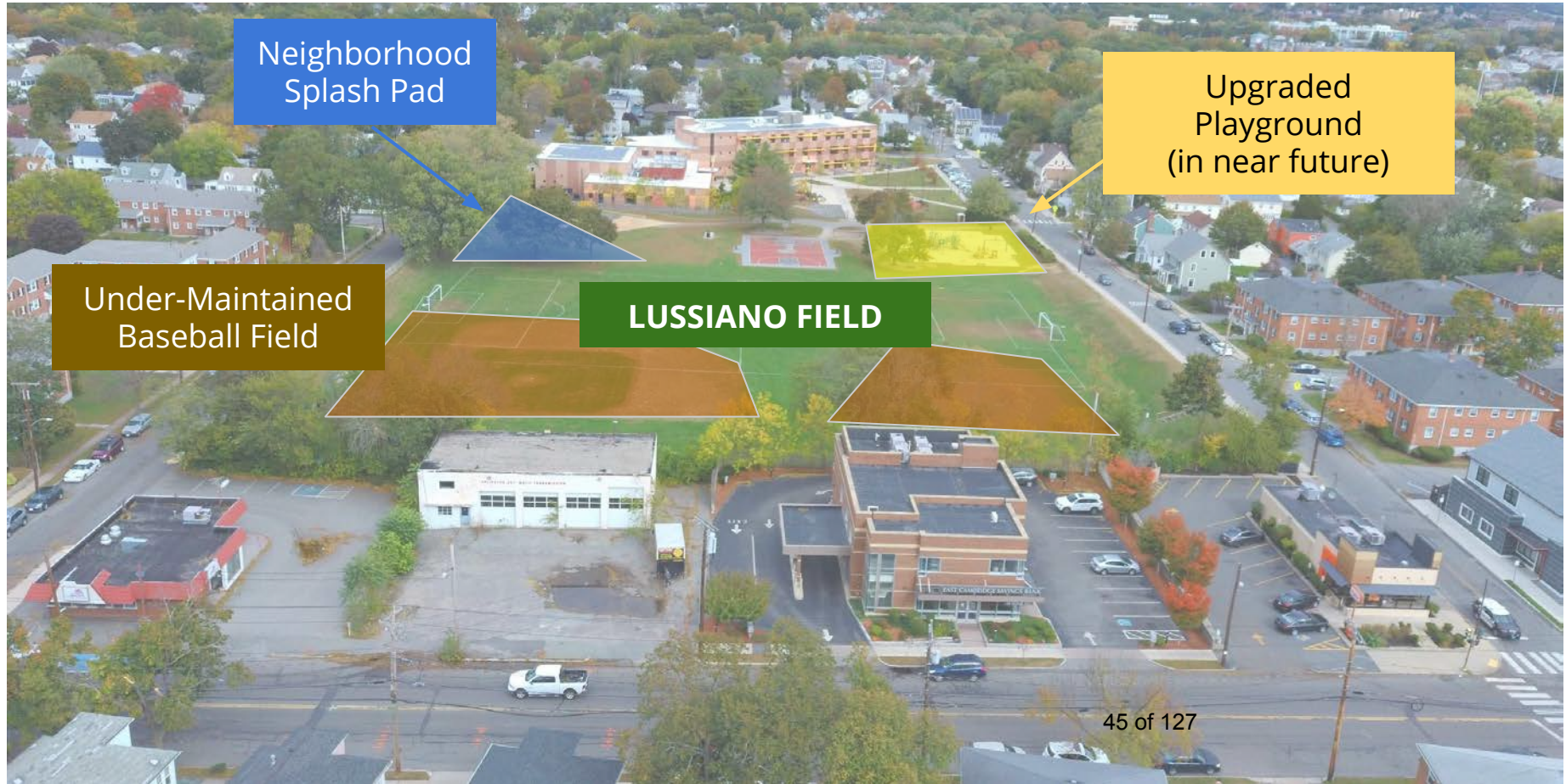
Site Needs

- Ingress/Egress
- Financial & regulatory viability

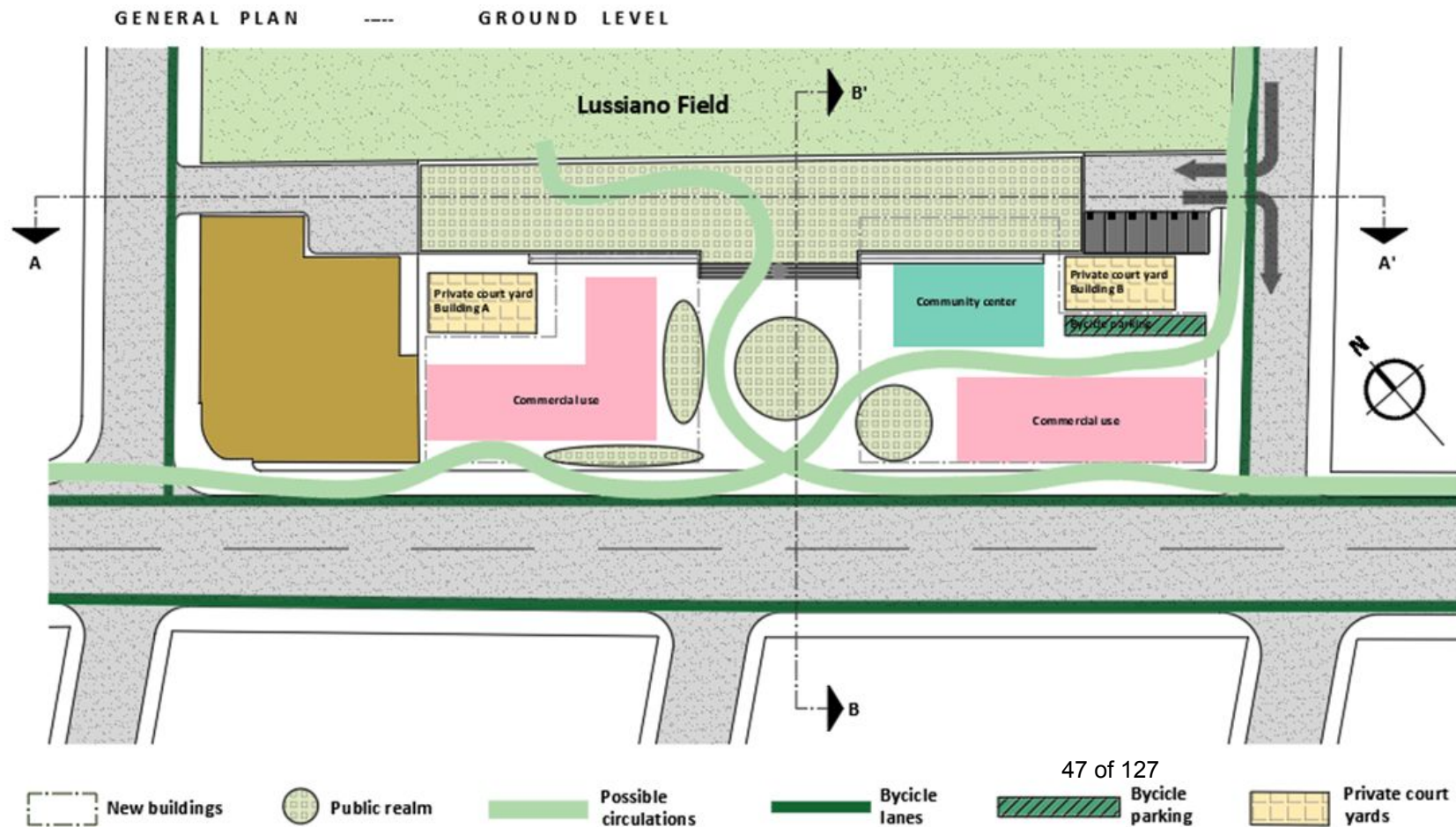


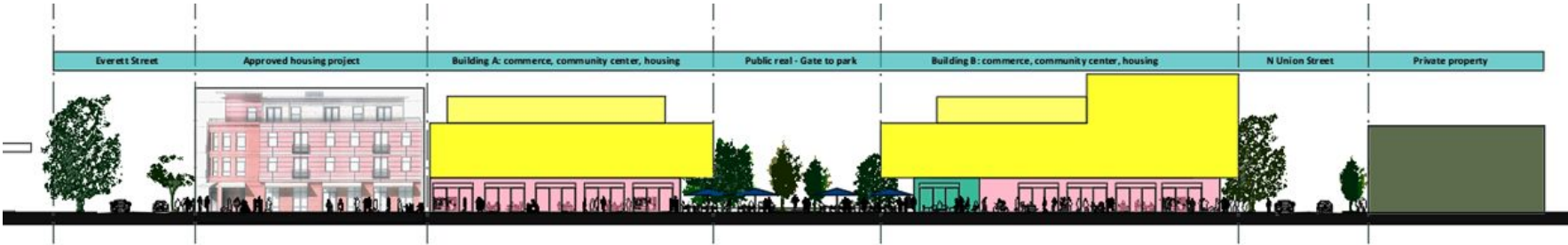
i.e., the designs presented here.

These are not development proposals. These represent **our vision of the sites' best possible, real-world use**, to benefit the Broadway corridor as a whole.



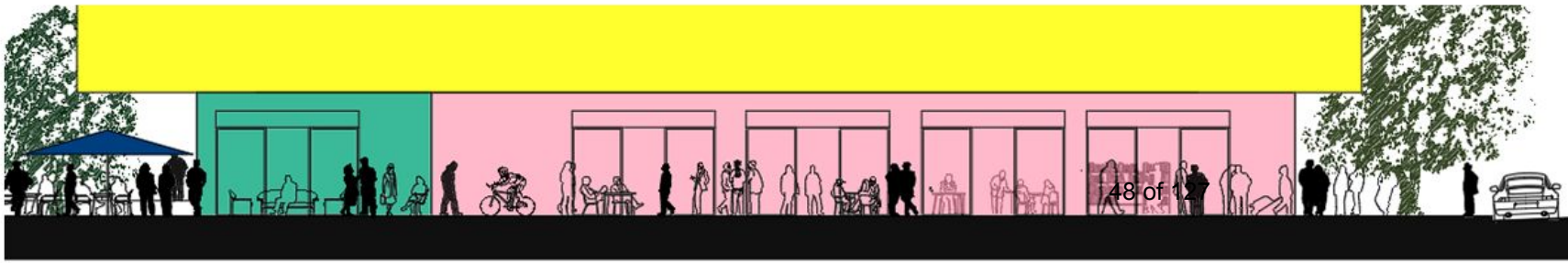


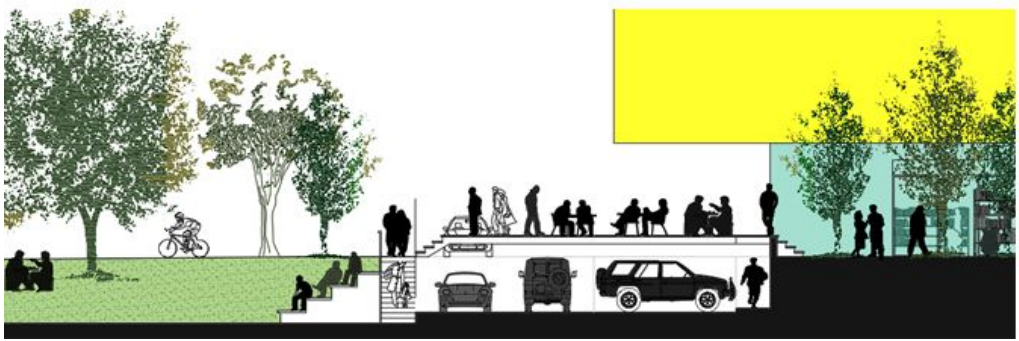
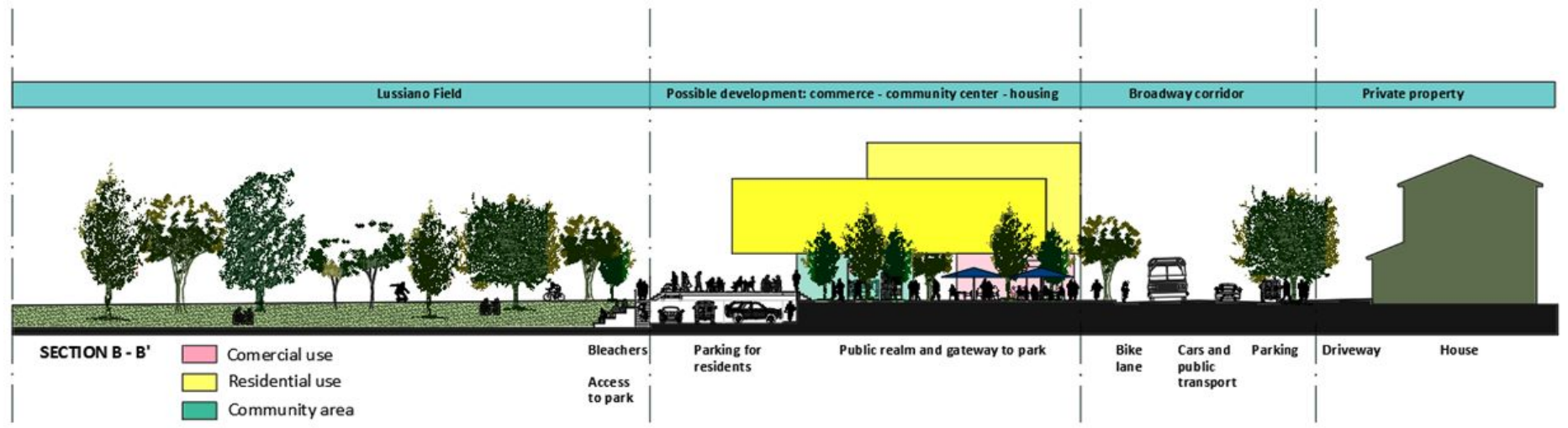




BROADWAY ELEVATION

- Commercial use
- Residential use
- Community area



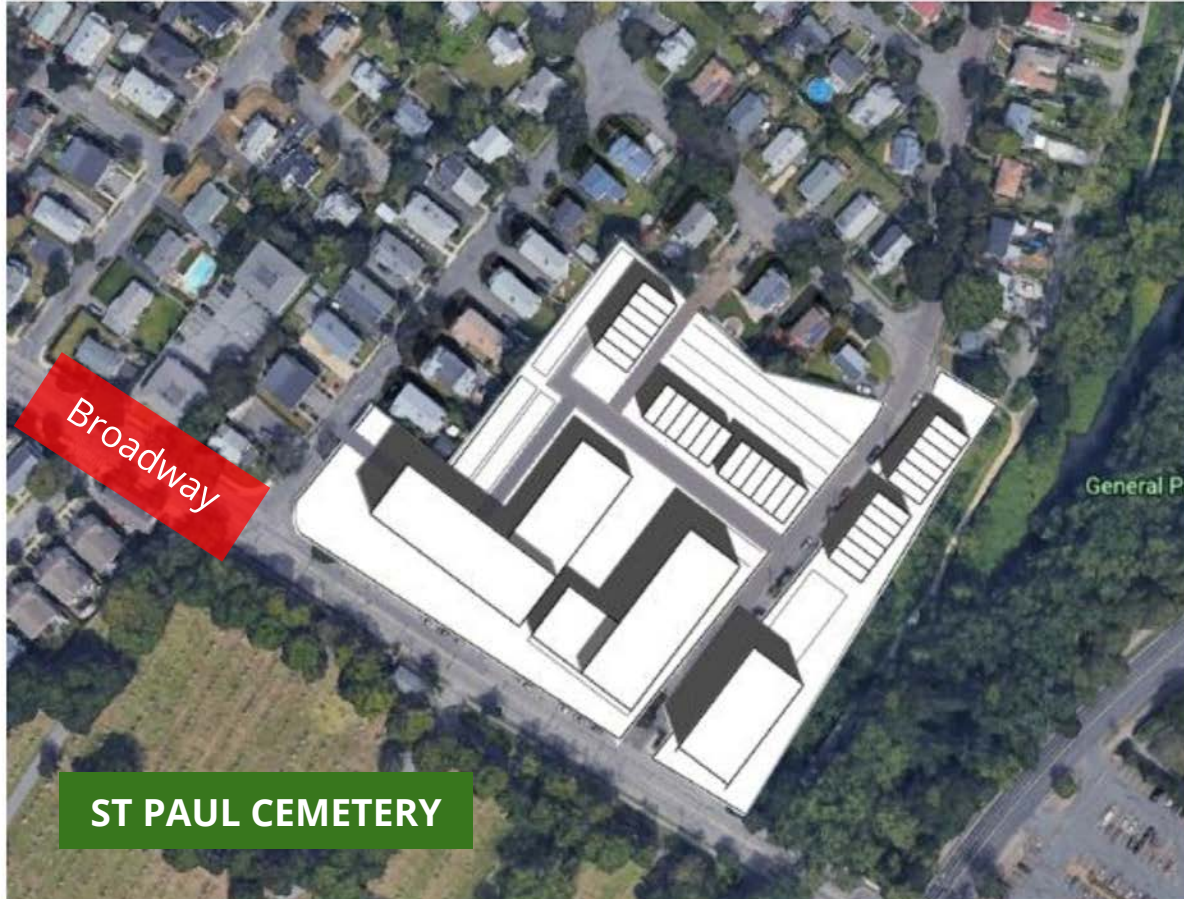




A case in a Bustamante Park, Santiago de Chile
Library, café and restaurant in a building serving as a doorway to the park.



- Lahey Health building + mixed commercial and industrial uses
- Approx. 4 acres
- Parking lot is large, currently underdeveloped space
- Edge of neighborhood
- Proximity to Alewife Parkway = good transit and transportation access



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Retail
31,800 sq ft

Apartments
133,200 sq ft
A total of 140 units

Townhouses
108,000 sq ft
A total of 30 units

Parking spaces
160

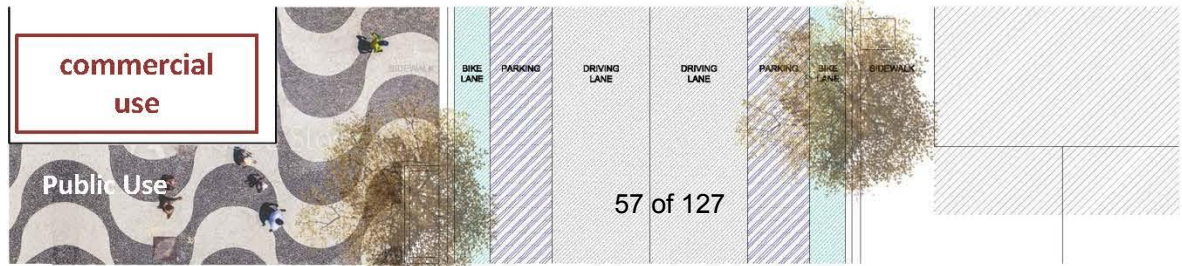
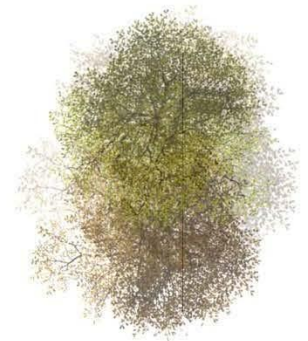
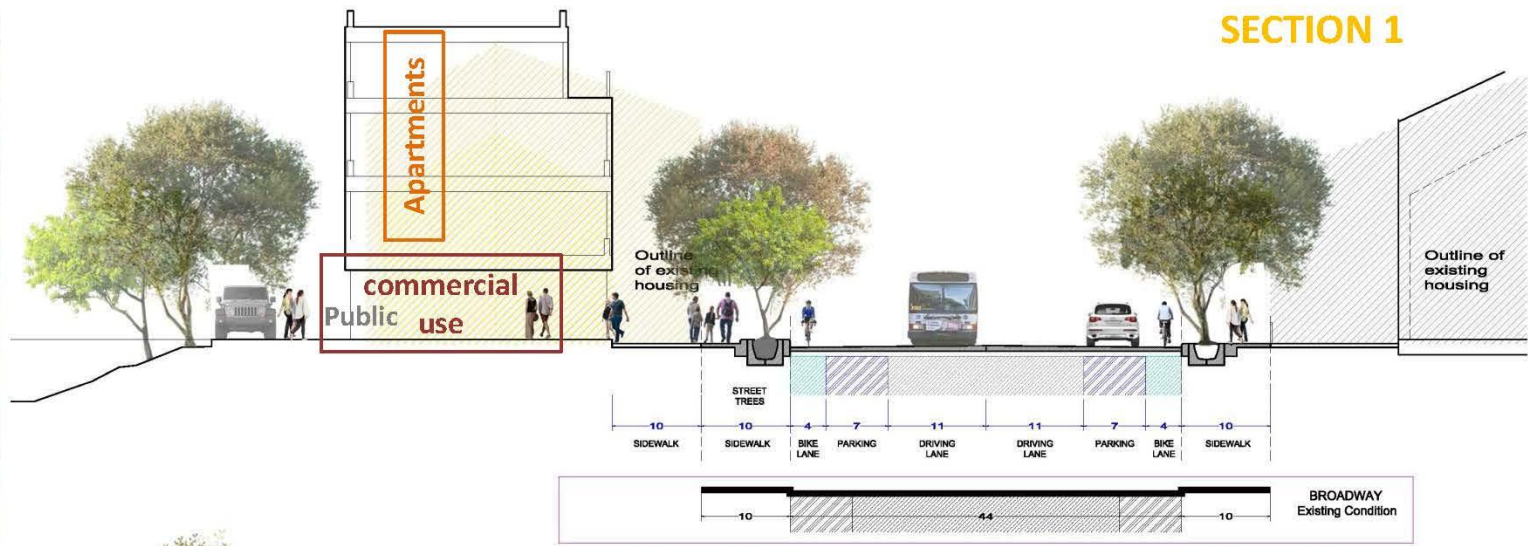
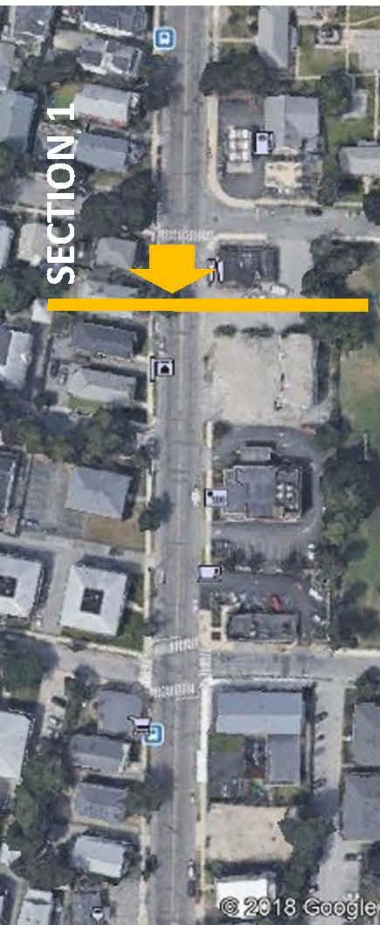
Purple = flow of traffic



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THANK YOU



OUR HOUSING RECOMMENDATIONS

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- Ensure that **new construction responds to current & future climate hazards**.



Town of Arlington, Massachusetts

Housing Plan Implementation Committee update

Summary:

8:30 p.m -
9:00 p.m.

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- HPIC members and staff will present
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ATTACHMENTS:

Type	File Name	Description
▣ Reference Material	MAHTGuidebook_2018.pdf	MAHTGuidebook 2018

Municipal Affordable Housing Trust

HOW TO ENVISION, GAIN SUPPORT, and UTILIZE A LOCAL TRUST
TO ACHIEVE YOUR HOUSING GOALS



UPDATED GUIDEBOOK V.3

*Prepared by: The Massachusetts Housing Partnership
Updated 2018*

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NOTE TO READERS

As it pertains to compliance with the Community Preservation Act (CPA), any recommendations in this manual are based on what we at MHP believe to be fair and accurate interpretations of the allowable uses in the CPA statute (MGL Chapter 44B).

Currently, the state Department of Revenue (DOR) and state Department of Housing and Community Development (DHCD) have different interpretations regarding some uses of CPA funds for affordable housing. For example, they differ as to whether CPA funds can be used to preserve existing affordable housing that was not created or acquired with CPA funds. They also differ on what types of housing support activities qualify for CPA funds, as well as show certain uses and programs must be structured to qualify for CPA support.

We advise communities to seek legal advice from their local municipal or special counsel when implementing CPA on the local level.

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Cover photo

Benfield Farms, Carlisle. *Photo by Greig Cranna*

Introduction:

ENVISIONING YOUR LOCAL HOUSING TRUST

Establishing a municipal affordable housing trust fund signals a community's readiness to address its housing needs. Communities with municipal housing trust funds have thought long and hard about what kind of affordable housing they need and are well prepared to use local funds to achieve their goals.

Although the concept is not new, communities have shown increased interest in forming their own municipal affordable housing trust fund. This is largely due to increased availability of local funding sources like the Community Preservation Act.

Recognizing this, the state legislature in 2005 passed the Municipal Affordable Housing Trust Fund Law (MGL c.44 s.55C). This new law effectively simplified the process of establishing a local housing trust fund. Previously, only cities could create trusts through their own resolution, but towns needed to gain approval from the legislature through an often time-consuming process called a home rule petition.¹ Under the 2005 law, all communities can now create a local housing trust through their local legislative body.²

The law, which was amended in 2016, also sets guidelines on what local housing trusts can do and specifies who can serve on a local housing trust board and what powers a community can grant the board. Prior to the 2005 law, there were no guidelines and local housing trusts often differed from community to community.

Since the law passed, approximately 98 communities in Massachusetts have established municipal affordable housing trust funds, raising the overall total of communities with local housing trusts to approximately 109.³ Given this heightened interest, the Massachusetts Housing Partnership (MHP) has created this guidebook to help communities understand what a trust can do, how to set one up to fit your community's needs, and how a trust can operate. This updated version includes more recent community examples and attempts to clarify some issues that operating trusts have faced, including how to properly use and track the use of CPA funds within a housing trust.

While it is the intention of this guidebook to promote a clear understanding of a municipal affordable housing trust, it is not meant to be prescriptive or provide specific legal advice. What we hope to do is help your community understand how it can use a local housing trust to envision and achieve its own affordable housing goals. Should you wish to proceed with establishing a municipal affordable housing trust, your city solicitor or town counsel should be consulted.

If you have any questions, contact MHP at info@mhp.net

¹ Municipalities that created housing trusts through home rule petition prior to 2005 include Brookline, Cambridge, and Provincetown.

² In Massachusetts, the term "local legislative body" refers to a municipality's city council, board of aldermen or town meeting, depending on the local form of government.

³ These figures are based on MHP's research and work with trusts across the state as of 2018.

Chapter 1



WHAT IS A MUNICIPAL AFFORDABLE HOUSING TRUST?

To best understand what a municipal affordable housing trust is, it's necessary to have a basic understanding of what it can do, what funds can be used in the trust and how to set up a board of trustees.

WHAT CAN A LOCAL HOUSING TRUST DO?



A local housing trust⁴ allows municipalities to collect funds for affordable housing, segregate them out of the general municipal budget into a trust fund, and use the funds for local initiatives to create and preserve affordable housing. Examples of what a local affordable housing trust can do include:

- Provide financial support for the construction of affordable homes by private developers (non-profit or for-profit);
- Rehabilitate existing homes to convert to affordable housing;
- Increase affordability in new housing development projects;
- Develop surplus municipal land or buildings;
- Preserve properties faced with expiring affordability restrictions;
- Support rent assistance for low- and moderate-income households.

⁴ For brevity's sake, this guidebook uses short-hand references such as local housing trust and local trust when explaining how a municipal affordable housing trust (MAHT) works.

WHAT FUNDS CAN LOCAL HOUSING TRUSTS USE?



The sources of funding vary among housing trusts and can include:

- Community Preservation Act (CPA) funds;
- Inclusionary zoning payments;⁵
- Negotiated developer fees;
- The municipality's general fund;
- Tax title sales;
- Payments from special bylaws/ordinances;
- Cell tower lease payments;
- Private donations.

In most communities with housing trusts, CPA funds are the most common source of funds. Some communities appropriate CPA funds to their trusts in excess of the 10 percent minimum annual expenditure for community housing required by the CPA statute.

In addition, some communities have used additional sources to increase the trust's capital. Andover designated its housing trust as the recipient of the town's HOME Investment Partnership Program (federal HOME funds) allocation. Lincoln received a bequest from a local land owner to be used for affordable housing. Medfield bonded \$1 million to fund their new trust.

It is helpful to identify likely funding sources in advance and test the political appetite for using those sources to capitalize a housing trust.

Some CPA communities appropriate CPA funds to their trusts in excess of the 10 percent minimum annual requirement that the law necessitates for community housing.



GUIDELINES FOR SETTING UP A BOARD OF TRUSTEES



The trust statute requires that municipalities create a board of trustees with a minimum of five members. While there is no maximum requirement, many boards range between five and nine members. The board's composition could include members with expertise in affordable housing development, real estate development, banking, finance, and real estate law. Chapter 3 discusses board membership in more detail.

⁵ Inclusionary zoning requires that residential developers include a specified amount of affordable dwelling units in their developments. Some inclusionary zoning bylaws/ordinances allow a developer to provide cash payments to the municipality in lieu of producing affordable housing units. A payment of this sort is earmarked for affordable housing and could be allocated to the municipality's affordable housing trust. Otherwise, these payments go into the general fund and must be appropriated by town meeting for affordable housing purposes.

Per statute, one trustee must be the chief executive officer of the municipality. For board of selectmen, a minimum of one member shall be designated as a trustee. The chief executive officer will then appoint the remainder of the trustees.⁶ The statute also requires that trustees' terms shall not exceed two years.

2016 AMENDMENT TO TRUST STATUTE

- Expands the allowable uses for Municipal Affordable Housing Trust expenditures to match those for community housing under CPA.
- All rules and restrictions of Chapter 44b, the Community Preservation Act, remain in force even after CPA funds are transferred to a Municipal Affordable Housing Trust;
- Trusts track CPA funds separately from other funding sources and annually report on the use of those funds in the municipalities' CP-3 reporting to the Department of Revenue.

⁶In a city, the mayor may appoint trustees with city council confirmation; in a Plan D or E municipality, the city manager may appoint trustees with confirmation by the board of selectmen/city council.

Chapter 2



FIGURE OUT IF A TRUST CAN HELP YOUR COMMUNITY

Now that you know the basics, the next step is to understand how a local affordable housing trust can help meet your community's specific housing needs. A good first step would be for your chief executive officer to establish a municipal task force charged with evaluating whether a housing trust could work for your community. Identifying your community's housing needs and funding resources are generally the initial steps to formulating community goals and a housing agenda. While it is not necessary to have completed a formal housing needs assessment to justify the need for a trust in your community, it can be very useful.

As you understand your community's affordable housing needs and goals, a key issue for your task force is to think through whether a trust can drive your affordable housing agenda. Three possible answers to this question are:

1. Yes, a housing trust can advance your local housing goals:

By establishing designated funds and creating a board to oversee its use, a community could rely on its housing trust board to advocate and execute its affordable housing agenda.

2. Yes, but how will the trust work with our existing affordable housing committee and Community Preservation Committee?

Many communities already have affordable housing committees at the time that they chose to adopt the trust statute. Careful consideration should be given to what role the committee will play after the trust is formed. For example, does the affordable housing committee set policy and direction and the trust execute those policies through its programs?

3. No, some communities may not need a local housing trust:

Despite its utility, a local housing trust may not be a good fit for every community. Some communities already have a non-profit housing trust or community development corporation that performs a similar function in the community.

HELP ASSESSING YOUR HOUSING NEEDS

A way to guide your local housing trust vision is by pursuing a state-certified Housing Production Plan (HPP). By following HPP guidelines, a community is ensuring that it is producing housing in a manner consistent with the Chapter 40B statute and regulations.

HPPs must be approved by the state Department of Housing and Community Development (DHCD). If a community meets its production goals and receives DHCD certification of its HPP, a decision by the zoning board of appeals relative to a comprehensive permit application will be deemed “consistent with local needs” under MGL Chapter 40B.

“Consistent with local needs” means the ZBA’s decision will be upheld by the Housing Appeals Committee. For more information, go to www.mass.gov/dhcd and search for “housing production plan.”

CITIES AND TOWNS MAY HAVE DIFFERENT NEEDS



Related to the question of whether a housing trust can help your community is your community’s form of government.

In cities, the frequency of city council or board of aldermen meetings combined with the support of professional housing staff, can give cities the ability to identify and respond quickly to opportunities. Thus, the value of a trust in a city may lie in having a way to segregate funds for affordable housing out of the city’s general fund. In addition, the board of trustee’s oversight, planning, and advocacy role can provide extra support for a municipality’s housing goals.

Towns realize an additional benefit in establishing a local housing trust because the trust, if properly funded, does not typically need town meeting approval to take advantage of time sensitive real estate opportunities to preserve and create affordable housing.

For example, Andover’s Affordable Housing Trust Fund has made it possible for the town to create affordable housing more efficiently. As Lisa Schwarz, Andover Senior Planner, explains: “With our housing trust, we’ve definitely been able to help projects get off the ground that wouldn’t have had that chance without the trust. Even though we don’t have to go back to town meeting for every decision, we still maintain strong communication with town meeting members and our town officials so that we are working together to support Andover’s housing goals.”



Andover used its local trust fund resources to help develop this property on Cheever Road into an affordable homeownership opportunity.

Cheever Circle is an example of Andover's ability to spark the creation of affordable housing with its local trust. With support from the Affordable Housing Trust, the Andover Community Trust, a non-profit 501(c)(3), signed a purchase and sale with a private owner. A modestly-priced three-bedroom home was built on the property, thanks in part to cooperation from the Andover Housing Partnership, the Andover Affordable Housing Trust, and the Andover Board of Selectmen. The home was sold to an income-eligible family, with a ground lease and permanent affordability restrictions. The home, the fourth affordable home developed with support from the trust, received a historic preservation award for its contextual design in an established neighborhood.

Chapter 3



NAIL DOWN VISION & ROLE OF YOUR BOARD OF TRUSTEES

If your initial efforts indicate that a trust could help your community, the next steps would be to detail what you hope to accomplish and how your trust and board of trustees will work with other municipal and private entities. Having a clear understanding of your goals and how your trust will work with the community will help you when you move onto gaining wider support and local legislative approval.

SHAPE YOUR TRUST WITH A VISION STATEMENT

A community's initial vision can often shape how a local housing trust will be structured. The following sample language may be helpful as an example of a vision:

Our trust will help people with modest incomes afford the cost of housing in our community. We will help people with three key initiatives: convert existing buildings to affordable homes, provide rent assistance for low- and moderate-income households, and fund the construction of new affordable homes.

WHAT WOULD YOUR COMMUNITY HOPE TO ACCOMPLISH THROUGH A HOUSING TRUST?



Creating a vision is a good first step. For instance, you might picture your housing trust converting a market-rate property to affordable units or accepting publicly-owned land for the development of affordable housing. You may picture it facilitating pre-development work or providing funds to buy additional affordable units in a private development. Or you may picture setting up a rental program that can provide housing assistance to low- or moderate-income households.

To create a vision, there is no need to start from scratch. Work with local planners or other municipal officials to identify and review past housing plans. These plans can include the Comprehensive (or Master) Plan, Community Development Plan, Housing Production Plan,

Community Preservation Plan, or other related documents. Reading through these sources, you will likely identify multiple initiatives that a housing trust could facilitate.

Your regional planning agency may also be helpful. To find the agency responsible for your community, go to www.mass.gov and search for “Regional Planning Agencies.”

Establishing a vision helps you in two ways: it gets your community to focus on its goals and it can serve as a road map for your board of trustees after your community has approved your local housing trust. A strong vision will give your newly formed board a starting point to develop a more detailed action plan.

Within the parameters of the statute, the local legislative body has the authority to customize the housing trust to meet local needs. To a certain extent, each locality can customize the board of trustee’s membership, terms, level of oversight, and powers.

Communities can tailor the housing trust documents to allow for:

- The full-spectrum of powers listed in the statute;
- More narrowly focused powers;
- More detailed descriptions of the statutory powers tailored to your municipality.

SAMPLE BYLAW LANGUAGE FOR BOARD OF TRUSTEE MEMBERSHIP

The following are examples of possible bylaw language regarding Board of Trustee Membership:

To meet the minimum statutory requirements:

There shall be a Board of Trustees consisting of not less than five and not more than nine Trustees appointed by the Board of Selectmen. At least one of the Trustees shall be a member of the Board of Selectmen, who shall serve as the representative of the Board of Selectmen.

To include members from other municipal entities:

The Board of Trustees shall consist of one selectman and one member nominated by the Selectmen from each of the following town entities: Planning Board, Community Preservation Committee, Housing Authority, and Affordable Housing Partnership.

Regarding the role of the Town Administrator:

There shall be a Board of Trustees of the (insert municipality) Affordable Housing Trust, at least one of which shall be a member of the Board of Selectmen...The town administrator shall be eligible for appointment as a (non-voting/voting) trustee...

To set up staggered terms:

Trustees shall serve for a term of two years except that three of the initial trustee appointments shall be for a term of one year, and may be re-appointed at the discretion of the Board of Selectmen/Mayor.

HOW WOULD YOUR LOCAL TRUST COORDINATE WITH OTHER BOARDS?



Once the municipality has approved the affordable housing trust, it must designate the members of the board of trustees. Before doing so, the municipality should decide if and how the activities of the trustees will be supported by municipal staff and how the trustees are expected to coordinate with existing municipal boards, committees, and commissions. There should also be a discussion of the interplay between the trust and local entities such as the local housing partnership or affordable housing committee, local housing developers, and the regional planning agency.

Engaging these groups can help to confirm the preliminary vision, build a coalition of support, and identify ways to coordinate the trust's activities with these other entities.

It is important that the housing trust reinforces rather than duplicates the work of other local groups. For instance, Medway's Affordable Housing Committee pre-dates its housing trust. When the housing trust was created, the town identified the committee as the housing policy and advocacy arm and the housing trust as primarily a funding entity.

Some communities have also appointed members of other boards and commissions as trustees to facilitate additional coordination between boards. Other communities have simply combined their housing partnership or affordable housing committee with the housing trust, creating one entity. Prior to initiating any changes it is wise to consult with municipal counsel regarding roles and responsibilities.

DETERMINING THE MEMBERSHIP OF YOUR BOARD



In addition to the minimum membership requirements laid out by the statute, some communities have created boards with more specific membership requirements. By specifying the proposed composition of the board in advance, the legislative body has more clarity about how the housing trust would operate and how the board's membership may overlap with other entities. Establishing membership requirements during your "visioning" stage can help garner more community support. Here are some examples of membership options that communities can consider when visualizing their local housing trust fund board:

Other Boards & Committees: The bylaw/ordinance can specify that the board include members of various municipal entities, such as the planning board, housing authority, housing partnership or other affordable housing committee, community preservation committee, or finance committee. This representation could strengthen communications among boards with related missions. However it could also make it difficult for the trust to secure meeting quorums if members are overcommitted in the community.

Balance of Public & Private Sector Representation: Incorporating a balanced mix of public and private sector representation can heighten the capabilities of the board of trustees. The members of the board should be individuals who have expertise in affordable housing development and preservation, such as attorneys, development or housing professionals, real estate professionals, bankers or finance professionals, advocates, or others who are active in related community issues, including an affordable housing tenant or owner. For example, as

a matter of policy Plymouth's selectmen seek individuals that are members of various town entities, including the housing authority and affordable housing committee, in addition to a banker and lawyer.

Town Manager/Administrator: The statute specifies that selectmen can appoint the town manager/administrator as a member or chair of the board of trustees with or without voting power.

Terms: The statute allows a maximum term of two years for trustees. Communities often reiterate this maximum term within the local bylaws/ordinance. Communities commonly build in a requirement for staggered terms with some initial one-year appointments in addition to the two-year appointments. Staggering terms enables the board to maintain a collective memory.

REMEMBER A MAHT IS A MUNICIPAL BODY

Keep in mind that a housing trust is a municipal body and is subject to procurement, designer selection, and public construction laws.

M.G.L. Chapter 30B, establishes procedures to follow for the acquisition of supplies and services, dispositions of surplus supplies, and real property acquisitions (except when using CPA funds) and dispositions by local governmental bodies. The Inspector General's Office has an extensive Chapter 30B assistance program to assist public entities that includes attorneys available by phone, printed guidance including procurement bulletins, and the Chapter 30B Manual. They also offer a seminar on procurement regularly. Find out more about it on their website at www.mass.gov/ig/mcppo

M.G.L. Chapter 7, also known as the designer selection law, contains procedures for selecting designers for building projects through an advertised, competitive, qualifications-based selection process.

M.G.L. Chapter 149 s.44A-M governs all contracts for the construction, reconstruction, installation, demolition, maintenance or repair of a building.

You can find manuals for both 30B and 149 at www.mass.gov/ig/publications/manuals

Chapter 268A, the Conflict of Interest Law, covers all municipal employees, whether elected or appointed, full or part-time, paid or unpaid and provides a general code of ethics.

AS MUNICIPAL BODY, TRUST SUBJECT TO STATE LAWS



A housing trust is a municipal body and is subject to various laws applicable to municipal bodies including those relevant to the purchase of real property, procurement, designer selection, and public construction laws under MA General Laws, Chapter 30B, Chapter 7, and Chapter 149.

M.G.L. Chapter 30B, establishes procedures to follow for the acquisition of supplies and services, dispositions of surplus supplies, and real property acquisitions and dispositions by local governmental bodies.

As a branch of municipal government, a municipal housing trust must comply with the provisions of Chapter 30B when undertaking such activities as hiring consultants, purchasing property and leasing or disposing of property to a non-municipal entity. The Inspector General's Office oversees Chapter 30B and their publication "The 30B Manual" is a comprehensive summary of the legal requirements and recommended procedures for public entities procuring goods and services or dealing with real property. Please visit the Inspector General's website (www.mass.gov/ig) for manuals and additional information on Chapter 30B.

Exceptions to note: (1) Agreements and conveyances between the trust and agencies and boards of a town are exempt from 30B (Section 1(b)(7)) and (2) Section 16 of Chapter 30B does not apply to the acquisition of real property with CPA funds.

Most trusts will likely not undertake construction of affordable housing, however if a trust were to undertake an affordable housing development, it must be in full compliance with the state's designer selection and public construction statutes as described below.

M.G.L. Chapter 7, also known as the designer selection law, contains procedures for selecting designers for building projects through an advertised, competitive, qualifications-based selection process. Contracts for services in connection with a building project that will be undertaken by a municipal trust, are subject to the designer selection law including such activities as feasibility studies, surveys soil tests, preparation of drawings and plans. The designer selection law must be used when contracting for a project that has an estimated construction cost of more than \$100,000 and an estimated design fee of \$10,000 or more.

M.G.L. Chapter 149 s.44A-M governs all contracts for the construction, reconstruction, installation, demolition, maintenance or repair of a building. If a municipal trust undertakes any type of construction on new or existing properties owned or controlled by the trust, the trust must comply with this Chapter. The IG's manual "Designing and Constructing Public Facilities" is a comprehensive overview of the policies and procedures that must be followed by public bodies such as a municipal trust in the design and construction of a building.

Please see the Inspector General's manual on "Designing and Constructing Public Facilities" at www.mass.gov/ig/publications/manuals.

M.G.L. Chapter 268A, also known as the Conflict of Interest Law, covers all municipal employees, whether elected or appointed, full or part-time, paid or unpaid. The law provides a general code of ethics for all public employees and prohibits you from using or attempting to use your official position to secure an unwarranted privilege or from giving the impression that you can be improperly influenced in the performance of your official duties. The law prohibits trust members from disclosing confidential information obtained on the job and from accepting outside employment that will impair your independence of judgment in the exercise of your official duties. You can find more information about the law at www.mass.gov/ethics.

COORDINATOR CAN HELP PUT TRUST TO WORK

To maximize the effectiveness of its local housing trust, the Town of Medway decided to hire a housing coordinator. The following is the job description.

Community Housing Coordinator:

Statement of Duties

- Manages affordable housing activities as described in the town's affordable housing trust action plan and its housing production plan.

Supervision

- Works under the supervision of the Town Administrator and the general policy direction of the Medway Affordable Housing Trust Board of Trustees.

Job Responsibilities

- Drafts and recommends policies and action plans for the MAHT Board of Trustees
- Coordinates the implementation of the MAHT Action Plan and the Medway HPP
- Researches funding sources available to supplement CPA funds
- Develops and implements affordable housing programs and projects in compliance with state and local requirements
- Monitors housing inventory, including identification of compliance violations
- Performs community outreach and education
- Coordinates with town boards, committees, community groups, and public agencies
- Prepares and coordinates housing grants and loan applications
- Markets new affordable housing opportunities including developing marketing plans, administering lotteries, qualifying applicants to certify eligibility, and locating eligible buyers
- Assists in the preparation of Requests for Proposals (RFP) for housing projects
- Provides administrative support for the trust

Other trusts that have hired a housing coordinator include Brewster, Easton, Sudbury, and Holliston. If funded with CPA resources, all job responsibilities must be allowable under the CPA.

WHAT POWERS SHOULD BE GRANTED TO THE BOARD



The purpose of establishing an affordable housing trust is to create a municipal entity that has the ability to undertake a variety of affordable housing real estate activities to create and preserve affordable housing. Subsection (c) of the statute specifies 16 powers that a municipality may grant a board.

The statute also allows a city or town to omit, modify or grant additional powers that are consistent with the statute. This provision provides flexibility for municipalities to customize

board powers. The list below summarizes some of the primary powers that a municipality can give the board of trustees (for the full list of powers, refer to subsection c of the statute in Appendix A):

- Accept and receive property or money by gift, grant, etc.;
- Purchase and retain property;
- Sell and lease property;
- Employ and pay advisors;
- Borrow money and mortgage or pledge trust assets as collateral;
- Manage or improve property;
- Various accounting and fund administration capabilities.

Communities have adopted various combinations of powers for its board. Some have adopted all the powers allowed under the statute. Others have given the board additional powers. A community has the option of including powers they don't envision using right away, but would provide flexibility in the future.

A few communities have adopted a housing trust with more narrow powers. In Westford, the extent of borrowing is limited to 80 percent of the trust's assets and any purchase, sale or lease of any interest in real property requires a two-thirds vote of the board of trustees. Boxborough's trust does not have the ability to buy real estate because the town already had a board with that power.



Sudbury's local trust bought land that is now the site of an affordable duplex home built by the Greater Worcester Habitat for Humanity. For more information about this effort, contact MHP at info@mhp.net or Elizabeth Rust of Regional Housing Services at Liz@RHSOhousing.org

Chapter 4



STRATEGIES FOR GAINING SUPPORT AND APPROVAL

Communities can use a variety of outreach strategies to build community support for a housing trust. This section describes several common outreach strategies. Some of the suggestions are obvious but are summarized here to serve as a checklist of examples of what other communities have done to communicate their vision and gain support for their local housing trust.

ENGAGE KEY MUNICIPAL OFFICIALS AND STAKEHOLDERS



Gaining political support from municipal officials and other stakeholders helps build the foundation for broader public outreach efforts. You can directly engage a variety of community groups by attending their meetings to present, answer questions, and ask for feedback on the proposal. Some of the groups to consider engaging at this stage of outreach include:

- Chief executive officers, including the board of selectmen, mayor, city council, or town manager/administrator;
- Planning board and planning director;
- Community preservation committee;
- Housing partnership/other affordable housing committee;
- Housing authority board and executive director;
- Council on aging and senior center board/leadership;
- School committee;
- Other local groups (League of Women Voters, Rotary Club, Chamber of Commerce).

Gaining support from municipal officials will partly hinge on proper education and being receptive to suggestions and feedback. It can be helpful to create a formal presentation that clarifies the following:

- The need for affordable housing;
- What a housing trust is and why it is important;
- What the housing trust could accomplish;
- Potential sources of funding;
- The proposed framework for membership, powers, and operations.

It may also be helpful to include information about other local housing trusts. Inviting a representative from a nearby housing trust to answer questions can also be helpful. Members of the Lenox Municipal Housing Trust were extremely helpful when Williamstown was contemplating the formation of a municipal trust in 2012.

As these municipal officials and stakeholders offer feedback, it may be important to revise and refine your proposal or plans to alleviate concerns and build support. When you meet with local groups, don't forget to ask for letters of support from municipal officials, boards, and other stakeholder groups, if appropriate. Getting formal votes and/or official letters of support can be important as you broaden your public outreach.

EDUCATE THE PUBLIC THROUGH MEDIA



Educating the broader public is a critical step as you move toward gaining approval from your legislative body. Current data reflecting your community's housing needs in a master plan, housing needs analysis or housing production plan should support your community conversation about affordable housing and creating a housing trust. Your education efforts could include the following:

Local newspapers: You can submit press releases, notices to announce community meetings, and letters to the editor or opinion pieces authored by key proponents.

Local cable station: If your community has a local cable station, it can be helpful to submit notices for the bulletin board. In addition, if your community has a cable show regarding municipal happenings, it can also be helpful to appear as a guest on the show to talk about housing trusts and invite the public to the community meeting(s).

Internet/email tools: Many municipalities and community groups utilize Listserv, blogs, social networking tools (such as Facebook and Twitter), online calendars, website announcements, or the like to connect with the public. Campaigns for adoption of a trust might set up a Facebook page looking for "likes" which then demonstrates the depth of local support to the selectmen and Town Meeting. The Town of Easton uses an online calendar (www.easton.ma.us), and both Sudbury (www.sudbury.ma.us/CHO) and Westport (www.westport-ma.com/affordable-housing-trust-fund) have very informative websites complete with housing news, upcoming meetings, agendas, and plans.

Newsletters: The Westport Affordable Housing Trust publishes a short newsletter that it sends to supporters describing their progress on projects as well as loan and grant programs residents might have an interest in.

REQUEST FOR TOWN MEETING VOTE

Here's an example of how Wenham wrote its trust proposal for consideration at town meeting:

ARTICLE 11: Municipal Affordable Housing Trust

To see if the Town will vote to authorize the Board of Selectmen to accept the provisions of Massachusetts General Laws Chapter 44, Section 55C, and to establish a trust to be known as the Wenham Affordable Housing Trust Fund, whose purpose shall be to provide for the creation and preservation of affordable housing in the Town of Wenham for the benefit of low and moderate income households, substantially in a form which is on file with the Town Clerk and available for inspection. . .

Town of Wenham Warrant Article May 2009 Town Meeting

Other communities, such as Williamstown have included much more detailed language including the trust's powers and membership in the warrant article.

COMMUNITY MEETINGS



Holding one or more well-advertised community meeting can provide a forum for feedback. Employing a few basic tactics can help increase participation at community meetings:

Meeting time: Make sure you choose a date and time carefully to minimize conflicts with other community events and meetings. Avoid meetings during summer months, on holidays, and during school vacation weeks.

Meeting location: Choose a location that is well known and accessible.

Meeting notice: The typical meeting notices in local newspapers usually do not attract widespread attention. So if you submit a meeting notice for consideration as a short article and/or as a listing in a local calendar, try to follow it up with other articles and letters to the editor. Everything you submit should always include the time, date and place of the meeting. You should also call the reporter or editor responsible for coverage and see if you can get a feature story written on your initiative.

Refreshments: If you have the budget, offering food can sometimes increase participation. Remember to note this in your press release.

Use the phone: It is “old school” but often issuing a personal invitation can be very effective in enlisting attendance and support.

Direct appeals: Calling or emailing a few key stakeholders to ask for their commitment to participate can also improve participation at community meetings.

When you hold a community meeting, be prepared. Use the presentation and/or handout materials that you previously used in speaking with municipal officials. Also, if applicable, you should show how you've already revised and refined the proposal based on the feedback of the municipal officials. By doing this, you will be stressing to the community at large that your vision is a collaboration with the community, balancing local input with identified local housing needs.

Be sure to schedule time during the meeting to encourage questions and discussion. If valid concerns and suggestions arise during community meetings, you should incorporate any appropriate revisions into the housing trust proposal. Before seeking official adoption, communicate through the various local media outlets to show that you have responded to comments raised during these community meetings.



The Carlisle Affordable Housing Trust took a leadership role in getting the Benfield Farms development started in Carlisle by funding some of the predevelopment tasks.

THE FINAL STEP: SEEKING ADOPTION



“Acceptance shall be by majority vote of the municipal legislative body...” MGL c.44 s.55C(a)

The authority to create a municipal affordable housing trust lies with the municipal legislative body (town meeting, city council, or board of aldermen). Acceptance requires a simple majority vote. The process to request official consideration of the adoption of a housing trust will vary depending on the form of government and local bylaws. Here are some considerations:

When to submit: A council/board order or warrant article will need to be submitted before a certain date to be considered in a convening of the legislative body. Check with your municipal clerk to ensure you submit on time.

Content of request: Some communities require general language for consideration by town meeting and detailed information must be available for inspection with the town clerk. Other communities will include full powers of the trust in the warrant article. The city solicitor or town counsel should review the proposed warrant article or vote in advance.

Education and reinforcement: It is advisable to supplement the formal submission to the legislative body with further information to educate voting members, reinforce the importance of creating a trust, and to emphasize community support. If the format of the legislative body meeting allows, it may be a good idea to give a presentation that explains what a housing trust is, the importance of it for your community, the general framework of the proposal, and the open and inclusive process that was conducted to inform the proposal.

After the vote: If the legislative body’s vote is favorable, there are a number of steps to ensure that the housing trust is properly established and the board of trustees are equipped to perform their function (see Chapter 5 for details).

If the vote is not favorable, refine your proposal to address valid concerns, conduct more outreach, and try again. It is often beneficial to organize supporters to speak in favor of adopting a housing trust at the legislative body meeting, particularly if the vote is anticipated to be contentious. The more methodical, organized, and outspoken advocates are with education and reinforcement, the stronger the support for adopting a trust is likely to be.

Chapter 5



ESTABLISHING YOUR LOCAL HOUSING TRUST AND GETTING TO WORK

After your legislative body adopts a municipal affordable housing trust, your role as advocate for the trust is not over. Harness the momentum generated from the adoption campaign to launch the trust— encouraging appointments to the board of trustees, ensuring sufficient funding, and identifying viable projects.

This chapter describes how to transform the housing trust from a concept into a functioning reality, including:

- Make the trust official;
- Create an action plan;
- Create a budget;
- Secure funding;
- Housing trust initiatives.

MAKE THE TRUST OFFICIAL



Once your legislative body adopts a municipal affordable housing trust, here are some first steps:

Approval of bylaws: In a town, after the municipal legislative body votes to adopt the trust, the municipal clerk must certify the bylaw. Once certified, the bylaw must be submitted to the Attorney General of the Commonwealth of Massachusetts. In a city, the bylaw does not need to be certified before being sent to the Attorney General's Office. The Attorney General is statutorily required to approve bylaws for consistency with state law within 90 days from the clerk's submission of a certified copy of the bylaw, a request for approval, a statement explaining the purpose, and adequate proof that all procedural requirements have been met. The request and the proof must be submitted within 30 days after final adjournment of the town meeting at which the bylaw was adopted.

Establishing the board of trustees: The municipality's chief executive officer is required to appoint the members of the board of trustees per the requirements adopted through your local affordable housing trust bylaw. As discussed in earlier chapters, one key to establishing a strong board of trustees is to include broad representation from the public and private sectors.

You should work closely with your chief executive officer(s) to suggest members, informally assist in the selection process, and advocate for prompt appointments to minimize the time required to create the board.

Declaration of trust: The first order of business for the new board of trustees is to execute the Declaration of Trust (declaration), which sets the trust's authority, rules and regulations. It should be recorded at the Registry of Deeds/Land Court District. While a declaration is not legally required under the statute, it is strongly recommended because, once recorded, it will provide record notice of the establishment of the trust and its powers and authority to hold and convey title to real estate. Note that a declaration will not be accepted by the Land Court Registry District unless the declaration is filed with a deed to a specific piece of property.⁷ However, the Registry of Deeds will accept a declaration as a stand-alone document, which is why so many boards record the declaration shortly after board appointment. Any Declaration of Trust should be reviewed by the city solicitor or town counsel.

OPEN MEETING LAW: *know the rules*

The Open Meeting Law (M.G.L. c30A, subsection 19(a)) requires that all meetings of public bodies be open to the public. A Municipal Affordable Housing Trust is considered a public body. It is important to note:

- Members of public bodies, whether they are elected, appointed or have taken an oath of office, must hold a certification that shows they understand the Open Meeting Law and the consequences of violating it. The certificate must be held where the body maintains its official records.
- Meetings are defined as "a deliberation by a public body with respect to any matter within the body's jurisdiction."
- A deliberation is defined as "an oral or written communication through any medium, including electronic mail, between or among a quorum of a public body on any public business within its jurisdiction."
- Public bodies must provide the public notice of the meeting 48 hours in advance with the municipal clerk and it must be visible to the public at all hours.
- The public is permitted to attend meetings of public bodies.
- Public bodies are required to create and maintain accurate minutes of all meetings. The minutes must state the date, time and place of the meeting, a list of members present or absent and the decisions made and a record of all votes.
- The minutes are public records, are subject to disclosure and must be maintained in accordance with the Secretary of State's record retention schedule.

The Attorney General's Office provides trainings on the Open Meeting Law and also has a website: www.mass.gov/ago/openmeeting.

⁷ You can determine if a property is registered online through your local registry of deeds website. Links can be found at www.sec.state.ma.us/rod/rodidx.htm.

Organize and orient the board: As with any new municipal board, there are steps required to organize the board and to orient its new members to their duties and responsibilities. Robert's Rules of Order (www.robertsrules.com) can be helpful as you go through this process.

- Set a regular meeting schedule—meeting monthly is typical;
- Designate officers: chair, vice chair, treasurer, and clerk;
- Review trust's bylaws and declaration to ensure all trustees understand the board's powers and limitations;
- Review the Massachusetts Open Meeting Law (MGL c.30A s.19-24). Meetings of the board of trustees must be properly noticed and open to the public. In addition, the board must create a written record of all meetings and make it available as a public record. The board should also know the conditions under which it can hold an executive session and how to properly open, close, and record an executive session;
- Understand the obligations under the Conflict of Interest Law (MGL c.286A);
- Consult your municipal finance officer to determine preference as to whether a separate bank account or municipal account should hold trust funds;
- Review the procedures of your municipal treasurer (who is usually designated as custodian of the trust funds);
- Determine plans for audits of trust funds as required in subsection (h) of the Municipal Affordable Housing Trust statute;
- Post agendas in a timely matter, according to the Open Meeting Law;
- Consider where meeting minutes, accounting and votes should be maintained, as well as making sure this information can be accessed by the public;
- Establish a webpage for the trust where trust membership, purpose, agendas, minutes, and other information can be posted. The Town of Westport has a very well organized and up-to-date website (www.westport-ma.com/affordable-housing-trust-fund) that explains its mission and includes links to RFPs, their Action Plan, meeting minutes and meeting agendas. It also lists the members of the trust and a contact person (in this case, the Housing Specialist).

MODELS OF TRUSTS



Trusts typically operate in one of two ways: as a funding entity or as an active initiator of projects (sometimes trusts act as a mixture of both). A trust that acts primarily as a funding entity would solicit proposals or applications either by announcing a funding round and providing an application form or by issuing a Request for Proposals (RFP). Whereas a trust that is an active initiator of projects may, for example, acquire property, contract for predevelopment work on the site, and solicit a developer to construct affordable units.

Westford and Yarmouth are examples of trusts that act primarily as funding entities. In Westford, the trust adopted formal application procedures, an application form, submission requirements, and two funding rounds per year. The Yarmouth trust has solicited project proposals through a RFP, which is described in greater detail in Chapter 6.

Examples of trusts that directly initiate projects include the trusts in Carlisle, Bourne, and Sudbury. These trusts have acquired property for affordable housing development and then disposed of the property to a developer.

CREATE AN ACTION PLAN



Although not mandated, creating an action plan can provide a deliberate focus to the trust's work and use of resources. An action plan would state the board's goals and priorities, usually for a period of one to five years. If your community established a vision for your trust, you can use this as the foundation for your plan. Your community's planner or a planning consultant can be helpful in crafting an action plan.

Andover Senior Planner Lisa Schwarz says this action plan is important. "Andover's trustees got off to a strong start, setting their own criteria by asking themselves what is their purpose, their goals and what did they want to fund."

Another good source to guide your early visioning is to consult another community's action plan. See below for good examples.

ACTION PLANS ARE AN IMPORTANT TOOL

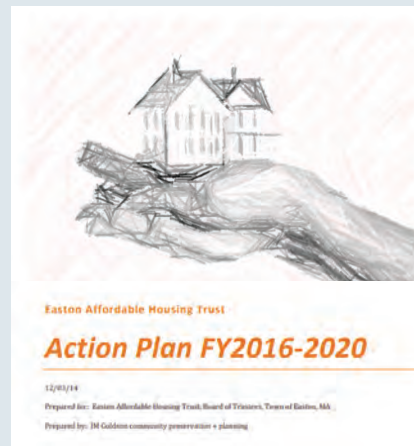
Having an action plan in place is not only important for the internal operations of the trust, but in conveying its mission and goals to the public. Internally, the action plan can serve to clarify the efforts of the trust by really considering the need in the community, types of projects it has the capacity to undertake, and the kinds of projects that will best serve the need. The plan can prioritize short and long term goals, serve as a measuring stick of the progress of the trust, and provide current and projected annual budgets.

Externally, an action plan makes clear the intent of the trust. It can spell out the role of the trust with respect to other entities in the community and give details about how the trustees will achieve their goals. In some cases, having an action plan was key to the trust's efforts to get funding.

Check out examples of Trust Action Plans on the MHP website: www.housingtoolbox.org/

Examples of Action Plans include:

- Town of Easton
- Town of Grafton
- Town of Westford



The role of current plans: The trust has a vital role in the support and achievement of your community's established housing objectives. If your community has current plans and documents that provide an analysis of housing needs or identify the community's affordable housing goals, it is critical to use this data to develop the trust's priorities and work plan.

In most communities, there are one or more existing plans to draw from, such as an affordable housing production plan, comprehensive plan, community development plan, community preservation plan, or other documents. If your community is just getting started, the board of trustees can spearhead an affordable housing needs analysis to incorporate into the trust's action plan.

You can find information about affordable housing, including needs analyses, on the Housing Toolbox website (www.housingtoolbox.org/).

Getting ideas from other communities: Learning about the programs and projects initiated by other housing trusts can provide your community with ideas for its own housing initiatives. You can use this information to assist the board's work on the action plan. However, do not assume that what another community is doing is necessarily in line with the governing statute. Each community is responsible for implementing statutes according to the law.

Create a dialogue: The process of creating the action plan provides an ideal opportunity for the trust to engage the community. The intent of this community outreach would be threefold: generate feedback and ideas from members of the community, provide information about the community's affordable housing needs and the role of the trust, and generate support for trust activities and projects.

Through the planning process, the housing trust can directly engage other housing advocates and community partners. These groups can include the housing partnership or other affordable housing committee, housing authority, planning board, community preservation committee, board of selectmen/mayor, town administrator, school committee, finance committee, other municipal officials, regional non-profit agencies, and housing developers. It may be wise to also include stakeholders from the business community, such as business owners and managers. Holding a planning workshop can be a useful forum to generate ideas and discuss priorities to incorporate into the plan.

CREATE A BUDGET



Developing a budget is essential to determine the level of funding required to implement the action plan. The board of trustees should create a one- to five-year budget that corresponds to the action plan and includes estimated amounts and sources of income (if known, and if not, ideas of possible sources), estimated costs for the housing trust's operations and estimated costs for project and program initiatives.

Operating costs can include anticipated legal fees, title searches, recording fees, administrative assistance or housing coordinator or consulting costs, advertising, postage, copying, and similar operating costs.

Estimating costs for potential projects and initiatives may be less precise at the early stages, unless the housing trust already has specific projects in mind. However, the housing trust should be familiar with relevant data to support project cost estimates. Examples of types of data include:

- Local property values;
- Market rents;

- Housing stock analysis;
- Area median incomes;
- Affordability gap for target income groups;
- Ranges of rehab costs;
- Fees for architectural and engineering services;
- Survey, soil testing, and appraisal work;
- Carrying costs such as taxes, mortgage interest, insurance, utilities.

Budgeting strategies: One primary aim in creating a budget is to build credibility with your community and funders. There is not a universal strategy for creating a budget. However, when developing a multiple-year budget, one strategy that may be helpful is to start smaller in year one with pilot programs or seed money for projects and increase the level of your requests, or line items, in future years when you can show proven success with projects or programs. If you have a specific project in mind or can demonstrate a high demand for a program concept, the budget may be able to support a more substantial funding request.

SECURE FUNDING



When seeking revenue from CPA funds, inclusionary zoning payments, negotiated developer payments, federal HOME funding, or other funds, the housing trust should demonstrate and communicate its capability, accountability, and priorities to key decision-makers.

For example, if your housing trust is targeting CPA funds, you must have the support of the community preservation committee, because it is that committee that is charged with making funding recommendations to town meeting or the city council.

The following strategies can help the housing trust establish its written and verbal communication with potential funders:

- Emphasize the housing trust's professional expertise, affordable housing experience, and representation on the board of other municipal boards and committees;
- Describe the inclusive process that the housing trust used to develop the action plan and entities that contributed to developing the plan;
- Demonstrate that the action plan will support the community's established housing objectives;
- Show that the budget is realistic and reasonable to achieve the housing trust's priorities;
- Describe the housing trust's plans for annual reporting to the community and any other accountability measures it has adopted;
- Be open and responsive to questions and suggestions.

TRUSTS AND CPA



The most common form of funding for trusts in Massachusetts is CPA funds. In 2016, amendments to the trust statute expanded the purpose of trusts to allow all eligible community housing initiatives as defined in the CPA statute (M.G.L. 44B). These allowable uses are outlined in the chart below.

Other important changes regarding CPA and trusts in the 2016 amendments are as follows:

- Clarifies that all rules and restrictions of Chapter 44b, the Community Preservation Act, remain in force even after CPA funds are transferred to a Municipal Affordable Housing Trust;
- Requires that trusts track CPA funds separately from other funding sources and annually report on the use of those funds in the municipalities' CP-3 reporting to the Department of Revenue; and
- Authorizes MAHTs to execute grant agreements. Most communities require a grant agreement between the municipality and the trust to establish conditions for the transfer of CPA funds. Trusts previously did not have explicit authority to execute grant agreements.

The trust statute does not include definitions for key terms such as “creation,” “preservation” and “low- and moderate-income.” A trust can consult existing programs and statutes in the state to adopt definitions for terms. For activities that fall under “community housing” with CPA, the CPA statute defines appropriate terms including moderate income which is households earning less than 100 percent of the area median income.

Important note: Each funding source has restrictions and requirements for uses of funds. Certain programs and projects may not be eligible under all funding programs. It will be particularly important to secure funds from sources that will enable the housing trust to accomplish its priority initiatives. Once funds are secured, particularly if secured from multiple sources, the board of trustees will need an accounting system that tracks revenue by original funding source. The board of trustees must be prepared to demonstrate that the funds were used in compliance with the requirements of each funding source. See below chart for details about allowable spending purposes with CPA funds.

ALLOWABLE SPENDING WITH CPA				
	Open Space	Historic	Recreation	Housing
Acquire	Yes	Yes	Yes	Yes
Create	Yes	No	Yes	Yes
Preserve	Yes	Yes	Yes	Yes
Support	No	No	No	Yes
Rehabilitation and/or Restore	Yes, if acquired or created with CPA funds	Yes	Yes (new 7/8/2012)	Yes, if acquired or created with CPA funds

POTENTIAL LOCAL HOUSING PROGRAMS

Here are a few examples of programs that can be funded with a local housing trust:

- Homebuyers Assistance: provide down payment, closing cost, interest-rate write down, or other financial assistance to income-qualified homebuyers (affordability restrictions may be required).
- Rental Assistance: provide local vouchers (modeled after federal Section 8 Housing Choice Vouchers) that subsidize the rental costs for income-qualified households.
- Home Preservation/Purchase, Rehab: acquire below-market homes, rehab as necessary, and resell at affordable prices with long-term deed restrictions to income-qualified households.
- Predevelopment financing for new construction of affordable rental housing (30B procurement and public construction could be triggered here.)

HOUSING TRUST INITIATIVES



Housing trust funds can be used in various ways but always subject to the powers granted to the board of trustees under the local bylaw.

Once the housing trust is funded and the board of trustees has arranged for any agreed upon staff-support, it is ready to implement the action plan. Trusts can foster the development of affordable housing, create programs to assist income-qualified households in accessing housing and undertake other activities to support and preserve affordable housing.

Develop affordable housing: Housing trust funds can be used to produce new units of affordable housing, through either conversion of existing buildings or through new construction.

As described previously in this chapter, local affordable housing trusts usually operate in one of two basic models: as a funding entity or more directly initiating development.

If the housing trust is functioning as a funding entity, it would not hold title to the property. Instead, it would offer loans or grants to subsidize affordable housing developments and can be one of multiple funding sources for a project. In the role of funding entity, the board may issue an annual request for proposals or advertise funding rounds and make applications available to the public.

Other trusts perform a more direct role to foster development through acquisitions, predevelopment activities, developer selection, and conveyance of property.

Development activities and investments should reflect the affordable housing needs identified in the community's housing needs assessment or housing production plan.

Establish housing programs: Housing programs come in many forms. Essentially, the intent of housing programs is to enable low- and moderate- income households to purchase or rent a home. Depending on how the program is structured, the program may or may not result in an income-restricted unit.

In order to establish a first-time homebuyer or rental assistance program, the board will need to decide on the structure of the program and designate an entity responsible for the administration and monitoring of the program. The board will need to create program guidelines and a formal application process as well as documents like grant or loan agreements and deed riders. They will also need to market the program. Or, the board can contract with another entity to create, implement and manage the program.

If the trust wants to create “Local Action Units” (LAUs) that count towards the state’s Subsidized Housing Inventory, contact the Massachusetts Department of Housing and Community Development (DHCD) prior to establishing your program. The DHCD staff will review four key aspects of the program: if and how affordable units are created; if the sale or rent price meets DHCD’s affordability thresholds; if the affirmative fair marketing and lottery plans meet state and funding program requirements; and how units will remain affordable.

For more information, go to www.mass.gov/dhcd and enter “Local Initiative Program” in the search box.

OTHER INITIATIVES



If allowed by the terms of your local bylaw, your local affordable housing trust can also undertake other initiatives to create and preserve affordable housing including:

- Preserve expiring use restrictions;
- Support initiatives of the local or regional housing authority or other housing agencies or organizations;
- Fund affordable housing plans or studies;
- Hold, manage, rehabilitate, and lease property

For specific examples, please see the next chapter of community profiles.

WEBSITE DETAILS DEVELOPMENT PROCESS

The Housing Toolbox for Massachusetts Communities (www.housingtoolbox.org) is designed to be a one-stop resource for local boards, committees, planners, municipal staff and volunteers.

Developed by MHP and the Citizens’ Housing and Planning Association (CHAPA), the site explains how to create and execute an effective affordable housing strategy. The toolbox is organized in six sections. It begins with Assessing Needs and continues with sections on building Local Support and understanding the importance of Land Use. It then moves into a section that explains Fair Housing laws and how to administer them, and finishes with overviews of the Development Process and Financing and Funding.

The Housing Toolbox is also designed to be responsive to community needs and can be updated regularly.

Learn more by visiting www.housingtoolbox.org

Chapter 6



COMMUNITY EXAMPLES & BEST PRACTICES

Having explained the basics of what an affordable housing trust is and how to establish one in your community, it is now time to learn about how trusts are used in practice. The following are just a few examples of how communities have used local trusts to pursue their affordable housing goals.

Carlisle: Major role in two developments

Established: 2006

The Carlisle Affordable Housing Trust (CAHT) played a major role in the development of Benfield Farms senior rental housing and the Toward Independent Learning and Living, Inc. (TILL, Inc.) group home.

For Benfield Farms, CAHT supported the development of the Community Preservation Act (CPA) mandated affordable housing and conservation restrictions; supporting the development of easement agreements; providing input and review on proposed development options for the Request for Proposal; and supporting a 2008 Town Meeting vote for a \$425,000 Benfield Farms infrastructure grant, which was distributed through CAHT to the non-profit developer, Neighborhood of Affordable Housing (NOAH). The 26-unit development was completed in 2014.

For TILL's group home, the CAHT's support included proposing that the CAHT be authorized to purchase the five-acre property with municipal funds for the purpose of developing a group home. The CAHT then supported a 2012 Carlisle Special Town Meeting article for a property tax override to purchase the property. Following this, the CAHT conducted a Master Plan effort for the site. In 2014, the CAHT entered into a 99-year ground lease with the Carlisle Housing Authority for the development of a duplex nine-unit group home. The duplex was completed in 2016.



Nine-unit group home, Carlisle.

Eastham: Rental Assistance Program

Established: 2008

The Eastham Affordable Housing Trust (EAHT), responding to their Housing Production Plan, knew that rental housing was a particular need in their community. Initiating a Rental Assistance Program would be a way to help families stay in their apartments and encourage others to locate to Eastham. Not having the capacity to administer the program themselves, the EAHT wrote an RFP to contract for the services and partnered with both the Harwich Ecumenical Council for the Homeless (HECH) and the Homeless Prevention Council.

HECH finds eligible families and calculates their need. In order to apply for the assistance, a family must be at or below 60 percent of area median income (AMI). Funding is available through a contract with the property owner and it will pay the owner up to \$350 per month to help cover the gap between the family's income and rent and utilities. They are eligible for up to three years of assistance, but each year the amount they receive is reduced.

Note: While well-intentioned, short-term rental assistance programs may be disruptive for some households who are unable to increase income to sufficiently cover local market rents.

Leverett: Buy Down Program

Established: 2007

As a small community, challenged by limited infrastructure, the Leverett Affordable Housing Trust has created the Leverett Homeownership Assistance Program to assist homebuyers and create local affordable housing. Homebuyers can access up to 20 percent, or \$50,000, of the sale price of a home in town with a maximum home value of \$275,000. The program is available for households earning up to 100 percent AMI and an affordability restriction is placed on the home at the time of purchase. Awards are distributed through a lottery and the Franklin County Regional Housing & Redevelopment Authority manages the program for the trust.



Medway: Establishing an Action Plan

Established: 2008

Under the direction of the Medway Community Preservation Committee and the Affordable Housing Committee, the Medway Affordable Housing Trust found that having an action plan in place for their activities helped them gain credibility in their community. The action plan, adopted in February 2011, was created with the assistance of a planning consultant. It clearly states their goals and vision and the types of projects the trust will support. As a result, the Medway community understands that the trust is responsible and committed and that they are “not going away,” which has helped to recruit trust members. The action plan provides a way to evaluate the progress of the trust against its stated goals and objectives. Other trusts that have adopted action plans include Easton, Grafton, and Westport.

Newburyport: Preservation

Established: 2009

When affordable homeownership units that are deed restricted go on sale, the Newburyport Affordable Housing Trust (NAHT) helps to find eligible buyers. Potential buyers must meet certain income requirements (80 percent of AMI). Applications are reviewed by the NAHT.

The NAHT also offers up to \$25,000 for eligible buyers for down payment assistance and/or closing costs for the purchase of deed-restricted affordable units. Home buyers must provide a down payment equal to a minimum of three percent of the property's purchase price and be approved for a mortgage with a lender. The loan is interest free and must be paid back at resale or refinance of the property.

Norfolk: Small-scale homeownership program

Established: 2006

Norfolk's housing trust has put most of their attention into a small scale homeownership program. Each year they seek to purchase three modest homes in the \$300,000 price range. The program manager oversees necessary home improvements, works under the state's Local Action Unit (LAU) program to assure the homes are added to the state's Subsidized Housing Inventory (SHI) and then runs a joint lottery to sell the homes. Averaging three homes a year, the trust has created over 20 affordable homeownership opportunities through this initiative.

Norwell: Redevelopment of Municipal Parcels

Established: 2007

Before the new police station opened in late 2014, the community began talking about using the existing lot for affordable housing. In 2015, Town Meeting voted to transfer the parcel to the Norwell Community Housing Trust who then issued a RFP (request for proposals) for affordable housing at 40 River Street. A developer was chosen in 2016 and a ground breaking for Herring Brook Hill, 18 rental units for low and moderate income seniors, was held in April 2018. The community has contributed \$1.2 million in CPA resources.



18 senior units to be built at old Norwell police station site.

Plymouth: First-time Homebuyer Program

Established: 2007

The Plymouth Affordable Housing Trust funds a first-time homebuyer program called the American Dream Buy-Down Program. The program is administered by the Plymouth Community Development Department which qualifies all applicants and markets the program on behalf of the Trust, which approves the loans. Income eligible homebuyers (60 to 80 percent of AMI) ready to make Plymouth their home are able to apply for a 15-year deferred loan from the program of up to \$30,000 to buy down the purchase price of the home. The new owners are required to have a deed restriction on the home for 15 years. If the household re-finances the first mortgage for any purpose other than lowering their monthly payment, the deferred loan would be recaptured and recycled into the program for another eligible applicant.

Stow: Grants to Developers

Established: 2005

Funded entirely by inclusionary zoning fees to date,* the Stow Affordable Housing Trust has put together a grant program that makes small grants to non-profit organizations seeking to create, preserve, or refinance affordable housing units for families earning 80 percent or less of area median income (AMI). The units must be eligible for inclusion on the state's SHI and a minimum of 25 percent of the units in a given development must be affordable.

Due to the limited funds available, the grants have been relatively small, but have had an impact on the pre-development phase of two projects; Pilot Grove, a 37-unit family rental development and Plantation Apartments, an extension of an existing senior living development.

*The zoning bylaw creating the inclusionary zoning must state that payments go to the trust, otherwise the money goes to the general fund and would have to be appropriated by town meeting.

Sudbury: Habitat for Humanity

Established: 2005

The first project that the Sudbury Affordable Housing Trust (SAHT) funded was the development of a duplex by Habitat for Humanity on tax-title land purchased at auction by the trust.⁸ The project received broad community support as demonstrated through the strong commitment from the project's bi-weekly building volunteers.

Westford: Using annual funding rounds

Established: 2005

Another way to solicit applications, short of issuing an RFP, is to hold one or more annual funding rounds with formal submission requirements and review criteria. One town that has adopted this process is Westford. It is important that this funding process is transparent and that good records are kept on how and why the trust selected certain projects to fund.



Stony Brook II, Westford

One project the Westford Affordable Housing Trust provided pre-development funding to is a 36-unit development called Stony Brook II. Initiated by the Westford Housing Authority and Common Ground Development Corp., the development is an expansion of an existing project on Farmer's Way.

The Trust made two grants totaling \$400,000. The first \$100,000 was used for predevelopment expenses including legal, architectural, civil engineering, and administrative costs associated with securing permits. The additional \$300,000 was allocated to site work and was contingent upon the project being awarded state funding.

The development consists of one-, two-, and three-bedroom units and was completed in 2016.

Yarmouth: Put out an RFP for projects

Established: 2007

The Yarmouth Affordable Housing Trust (YAHT) didn't wait for projects to come to them, they actively sought them out. When the YAHT determined that they had a sum of money available, they decided to put out a RFP with the hope that it would result in more opportunities to create affordable housing. They used their Housing Production Plan to help guide them in creating selection criteria and the town's chief procurement officer reviewed the RFP and approved the trust as the selection committee.

⁸ Refer to intergovernmental real property transactions under Chapter 30B.

In creating and advertising the RFP, the trust followed the rules of M.G.L.c30B starting with the proper public notice of the issuance of the RFP and kept records of requests. It carefully documented the receipt of responses, the opening of proposals and the compliance of those proposals with the conditions of the RFP. While not legally required to follow 30B to solicit proposals for funding, the trust determined that this approach insured fairness and competitive responses. It also gave the trust an opportunity to prioritize from a group of applications rather than accepting applications on a rolling basis. It should be noted that while Yarmouth used an RFP, other communities have found success using a Notice of Funding Availability (NOFA).



Yarmouth Commons: 69 apartments on former motel site.

The Yarmouth Affordable Housing Trust also has a successful Buy Down Program to assist qualifying home-buyers under which they've created 15 new affordable units at the time of this writing and have 22 more underway. They have also built three affordable units on town-owned land, preserved seven units, assisted Habitat for Humanity with building six new homes and created nine affordable rental homes. Yet the most significant initiative to date may be assisting in the redevelopment of two motels, creating a total of 109 affordable rental units!

PUT YOUR TRUST MONEY TO WORK THROUGH MASSDOCS

MassDocs is the state's loan closing document system. MassDocs makes it possible for just one set of loan documents to be needed for affordable housing rental developments financed by multiple funding sources.

Many locally-initiated affordable housing developments in Massachusetts use local funds from the Community Preservation Act or the local trust fund in combination with state and federal funds.

Before MassDocs, each funder needed their own closing documents. With MassDocs, all funders agree to a single set of closing documents. MassDocs makes it easier for communities to deliver local housing trust funds to a projects. For more information on how to join, go to <https://www.massdocs.com>.

Appendix



MUNICIPAL AFFORDABLE HOUSING TRUST MGL CHAPTER 44, SECTION 55C

Last updated August 2016

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter44/Section55C>

Section 55C. (a) Notwithstanding section 53 or any other general or special law to the contrary, a city or town that accepts this section may establish a trust to be known as the Municipal Affordable Housing Trust Fund, in this section called the trust. The purpose of the trust is to provide for the creation and preservation of affordable housing in municipalities for the benefit of low and moderate income households and for the funding of community housing, as defined in and in accordance with the provisions of chapter 44B. Acceptance shall be by majority vote of the municipal legislative body under section 4 of chapter 4.

(b) There shall be a board of trustees, in this section called the board, which shall include no less than 5 trustees, including the chief executive officer, as defined by section 7 of chapter 4, of the city or town, but where the chief executive officer is a multi-member body, that body shall designate a minimum of 1 of its members to serve on the board. Trustees shall be appointed in a city by the mayor or by the city manager in a Plan D or Plan E municipality, subject in either case, to confirmation by the city council, and in a town by the board of selectmen, shall serve for a term not to exceed 2 years, and are designated as public agents for purposes of the constitution of the commonwealth. Nothing in this subsection shall prevent a board of selectmen from appointing the town manager or town administrator as a member or chair of the board, with or without the power to vote.

(c) The powers of the board, all of which shall be carried on in furtherance of the purposes set forth in this act, shall include the following powers, but a city or town may, by ordinance or by-law, omit or modify any of these powers and may grant to the board additional powers consistent with this section:

(1) to accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the trust in connection with any ordinance or by-law or any general or special law or any other source, including money from chapter 44B; provided, however, that any such money received from chapter 44B shall be used exclusively for community housing and shall remain subject to all the rules, regulations and limitations of that chapter when expended by the trust, and such funds shall be accounted for separately by the trust; and provided further, that at the end of each fiscal year, the trust shall ensure that all expenditures of funds received from said chapter 44B are reported

to the community preservation committee of the city or town for inclusion in the community preservation initiatives report, form CP-3, to the department of revenue.

(2) to purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;

(3) to sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to trust property as the board deems advisable notwithstanding the length of any such lease or contract;

(4) to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases, grant agreements and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the board engages for the accomplishment of the purposes of the trust;

(5) to employ advisors and agents, such as accountants, appraisers and lawyers as the board deems necessary;

(6) to pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the board deems advisable;

(7) to apportion receipts and charges between incomes and principal as the board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;

(8) to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;

(9) to deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the board may deem proper and to pay, out of trust property, such portion of expenses and compensation of such committee as the board may deem necessary and appropriate;

(10) to carry property for accounting purposes other than acquisition date values;

(11) to borrow money on such terms and conditions and from such sources as the board deems advisable, to mortgage and pledge trust assets as collateral;

(12) to make distributions or divisions of principal in kind;

(13) to comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this act, to continue to hold the same for such period of time as the board may deem appropriate;

(14) to manage or improve real property; and to abandon any property which the board determined not to be worth retaining;

(15) to hold all or part of the trust property uninvested for such purposes and for such time as the board may deem appropriate; and

(16) to extend the time for payment of any obligation to the trust.

(d) Notwithstanding any general or special law to the contrary, all moneys paid to the trust in accordance with any zoning ordinance or by-law, exaction fee, or private contributions shall be paid directly into the trust and need not be appropriated or accepted and approved into the trust. General revenues appropriated into the trust become trust property and to be expended these funds need not be further appropriated. All moneys remaining in the trust at the end of any fiscal year, whether or not expended by the board within 1 year of the date they were appropriated into the trust, remain trust property.

(e) The trust is a public employer and the members of the board are public employees for purposes of chapter 258.

(f) The trust shall be deemed a municipal agency and the trustees special municipal employees, for purposes of chapter 268A.

(g) The trust is exempt from chapters 59 and 62, and from any other provisions concerning payment of taxes based upon or measured by property or income imposed by the commonwealth or any political subdivision thereof.

(h) The books and records of the trust shall be audited annually by an independent auditor in accordance with accepted accounting practices.

(i) The trust is a governmental body for purposes of sections 23A, 23B and 23C of chapter 39.

(j) The trust is a board of the city or town for purposes of chapter 30B and section 15A of chapter 40; but agreements and conveyances between the trust and agencies, boards, commissions, authorities, departments and public instrumentalities of the city or town shall be exempt from said chapter 30B.



Massachusetts Housing Partnership
160 Federal Street, Boston, MA 02110
Tel: 617-330-9955 | www.mhp.net



Town of Arlington, Massachusetts

Potential Zoning Bylaw amendments for 2020 Annual Town Meeting

Summary:

9:00 p.m. - • Board members will discuss and may move to support advancement of proposals
9:45 p.m.

ATTACHMENTS:

Type	File Name	Description
Reference Material	Agenda_Item_2A_memo_from_JR_regarding_potential_zoning_bylaw_amendments_for_2020_Annual_Town_Meeting_112519.pdf	Memo from JR regarding potential zoning bylaw amendments for 2020 Annual Town Meeting 111519
Reference Material	Agenda_Item_2B_190628_Arlington_Bylaw_Review_Final.pdf	190628 Arlington Bylaw Review Final
Reference Material	Agenda_Item_2C_Stormwater_Action_Plan_-_Arlington_Final.pdf	Stormwater Action Plan - Arlington Final
Reference Material	Correspondence_Received_regarding_Agenda_Item_2_Bylaw_Amendment_Requests_7-22-19.pdf	Correspondence Received regarding Agenda Item 3 Bylaw Amendment Requests - C. Loreti 7-22-19



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

Memorandum

To: Arlington Redevelopment Board

From: Jennifer Raitt, Secretary Ex Officio

Subject: Potential Zoning Bylaw amendments for 2020 Annual Town Meeting

Date: November 25, 2019

Please accept this memo as an overview of potential zoning amendments for 2020 Annual Town Meeting. The Department of Planning and Community Development (DPCD) works with a number of groups and committees, as well as on planning processes, that often lead to recommendations for zoning amendments. The following describes a range of initiatives and their timelines for moving forward with any recommendations.

The Zoning Bylaw Working Group is working with RKG Associates on an Economic Analysis of the Industrial Zones. This work will extend through next spring 2020 and any zoning recommendations brought forth from that analysis might be considered at a future Town Meeting. Therefore, any zoning recommendations from this analysis will not be ready for 2020 Annual Town Meeting.

The Design Review Working Group will be working with Harriman to prepare residential design guidelines for the R0, R1, and R2 districts and recommend a design review process. This work will extend through next fall 2020 and any recommendations will be brought to a future Town Meeting. Therefore, any recommendations from this process will not be ready for 2020 Annual Town Meeting.

The Arlington Heights Neighborhood Action Plan Implementation Committee began meeting in November. The committee will be working on implementing short-term, non-zoning recommendations. There will not be any zoning recommendations for 2020 Annual Town Meeting recommended by this committee.

The Housing Plan Implementation Committee is working on two recommendations for 2020 Annual Town Meeting. One of these recommendations is directly from the town's 2016 Housing Production Plan: create a Municipal Affordable Housing Trust Fund per MGL c.44 s.55C. The formation of a Trust is not an amendment to the Zoning Bylaw. A related recommendation that the committee is discussing is a potential Town Meeting resolution to adopt a Real Estate Transfer Tax in order to collect a percentage of funds from any real estate transfers. If voted on affirmatively, this resolution would require a subsequent Home Rule Petition in order to become law. Any funds generated from this tax would need to be deposited into a Municipal Affordable Housing Trust Fund.

The DPCD is overseeing three other planning processes which will eventually include zoning recommendations. The Sustainable Transportation Plan Advisory Committee is in the process of interviewing consultants for the plan. The planning process is expected to continue through 2020. The Metropolitan Area Planning Council (MAPC) is working on the Hazard Mitigation Plan which will continue through March of 2020. Any zoning recommendations from this plan would be brought to a future Town Meeting and will not be ready for 2020 Annual Town Meeting. MAPC is also working on the Net Zero Plan which will continue through fall 2020. The Net Zero Plan will include recommendations for energy efficiency and carbon reduction in all sectors. The plan will include clear metrics and measurements to achieve carbon reduction by 2050. Any zoning recommendations from this plan would be brought to a future Town Meeting and will not be ready for 2020 Annual Town Meeting.

DPCD is also working with the Engineering division to meet regulatory requirements, improve local water quality, and maintain and recharge groundwater resources by incorporating green infrastructure practices into the Town's stormwater management program. We are achieving this by working on updates to our Stormwater Bylaws. These bylaw updates are necessary in order for the Town to be compliant with the MS4 General Permit. Municipal separate storm sewer system (MS4) discharges are regulated under the General Permits for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems in Massachusetts effective July 1, 2018. Please see the attached memo from the Horsley Witten Group and Eastern Research Group regarding a review of the town's bylaws, including its Zoning Bylaw. Zoning amendments recommended in this memo should be submitted for 2020 Annual Town Meeting.

Other potential zoning amendments for the 2020 Annual Town Meeting include the following:

Amend 8.2 to increase the two-year period to three years regarding Special Permits and Building Permit applications (anti-segmentation clause). Amend Definitions to add "apartment conversion". Amend 5.3.22 to include a subsection C that describes how landscaped and usable open space is calculated relative to Gross Floor Area. Amend 5.2.2 to include a subsection C. that indicates uses without a "Y" or "SP" in the applicable zoning districts are prohibited. Lastly, the following administrative corrections are needed: correct Board of Selectmen to Select Board; add day to August date noted in Section 5.4.2.B; correct citation to state regulations for medical marijuana; correct 5.3.22 to match new half-story definition; and correct citation in Billboard definition.



MEMORANDUM

To: Wayne Chouinard, Bill Copithorne, and Emily Sullivan, Town of Arlington

From: Jennifer Relstab and Gemma Kite, Horsley Witten Group (HW), and Arleen O'Donnell, Eastern Research Group (ERG)

Date: 6/28/19

Re: Stormwater Local Bylaw Review

The Town of Arlington is located within the Mystic River Watershed, and thus, stormwater discharges from the Town contribute to nutrient pollution (e.g., phosphorus) in the Mystic River. Arlington's municipal separate storm sewer system (MS4) discharges are regulated under the *General Permits for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems in Massachusetts* (hereafter, the MS4 General Permit), effective July 1, 2018. A portion of the Town of Arlington is also located in the Charles River Watershed, which has a Massachusetts Department of Environmental Protection (MassDEP) approved TMDL for phosphorus. The TMDL provides for additional phosphorus reduction requirements in MS4 discharges.

The Town of Arlington is seeking to meet its regulatory requirements, improve local water quality as well as maintain and recharge groundwater resources by incorporating green infrastructure practices into their stormwater management program. Green infrastructure practices improve stormwater runoff quality, reduce quantity, and provide multiple benefits such as decreasing impervious cover, increasing infiltration capacity, decreasing maintenance and related costs, increasing pedestrian safety, and increasing property values. However, implementation of these practices is often hindered by local codes, ordinances, and guidance documents that conflict with green infrastructure goals. However, implementation of these practices is often hindered by local bylaws, regulations and policies that fall short of embracing, allowing and/or requiring the full range (both large and small scale) of green infrastructure techniques that can be implemented. The Town is now actively seeking and seizing opportunities to incorporate green infrastructure into new development, redevelopment and roadway improvements, and are interested in aligning their regulatory framework with those goals and to ensure compliance with state and federal requirements.

While the MS4 General Permit is the main regulatory driver for stormwater management, the Town of Arlington is required to adhere to the Commonwealth of Massachusetts requirements, which have historically been more stringent than federal rules. The Town's Conservation Commission administers

the Massachusetts Wetlands Protection Act (MGL Ch. 131 Section 40) and accompanying regulations (310 CMR 10.00). The Wetlands Protection Act and regulations govern activities in and near wetlands, riverfront areas, floodplains, and other water bodies. To implement the Wetlands Protection Act, as well as the Massachusetts Water Quality Regulations (314 CMR 9.00) and Section 6217 of the Coastal Zone Act Reauthorization Amendments. MassDEP first adopted stormwater guidance (called Stormwater Handbook and Standards) in 1996. The Handbook, since updated in 2008, contains ten stormwater management standards (hereafter, the MassDEP stormwater standards) for management of runoff during site preparation, new construction and redevelopment. The MassDEP stormwater standards are intended to ensure that stormwater discharges meet the state's wetlands and water quality standards to the maximum extent practicable. They are designed to increase recharge of stormwater to maintain streamflow, reduce pollutant load, remove illicit discharges, prevent groundwater pollution, improve operation and maintenance and promote best management practices. Since the MassDEP stormwater standards have been in place since 1996, the Town of Arlington is aware of these standards and corresponding Massachusetts Stormwater Handbook (hereafter, Stormwater Handbook). However, some of the requirements in the MS4 General Permit are more stringent than the MassDEP stormwater standards, thus, Arlington will have to update their current bylaws to reflect the more stringent requirements in the MS4 General Permit.

ERG and the Horsley Witten Group, Inc. (HW) met with town officials to discuss their priorities and were provided local bylaws and regulations governing stormwater and compared the Town's bylaws to the MS4 General Permit requirements and the MassDEP stormwater standards. The consultant team reviewed the local bylaws to suggest areas of improvement for compliance with these standards, and for incorporating green infrastructure (GI)/low-impact development (LID) opportunities. The findings in this memo are intended to highlight areas for the Town's consideration and to target areas for future in-depth analysis. This memo does not include specific language recommendations. Discussions with the Town's departments (Planning, Conservation, Public Health, Department of Public Works, Engineering and Town Counsel) as well as a more detailed review are recommended to provide a comprehensive evaluation of the Town's stormwater management program. An in-depth review could include a line-by-line review and recommendations for new or amended provisions including streamlining the process, complying with new standards and possibly opportunities to exceed standards. The Town of Arlington is required under the MS4 General Permit to review their codes and develop or modify bylaws or other regulatory mechanisms to contain provisions that are at least as stringent as what is in the MS4 permit. While this does not have to be done until July 1, 2020 (two years of the effective date of the permit), this review can help provide direction for that comprehensive review.

The following documents were reviewed:

- By-Laws of the Town of Arlington (updated October 2015) (hereafter, the By-Laws);
- Zoning Bylaw (adopted on February 12, 2018); and
- Regulations for Wetlands Protection (March 1, 2018) (hereafter, the Wetlands Regulations).

Summary of Existing Regulations

General Stormwater Policy

- **Stormwater Management Article (Article 15) in the By-Laws Title V** applies to all new development of a previously undeveloped vacant lot, resulting in a structure where building footprint and other impervious surfaces exceeds 500 square feet, and redevelopment projects of a developed property resulting in an increase to the impervious area of a lot by more than 350 square feet. The standard states that no project subject to the bylaw can increase the surface water runoff rate relative to the predevelopment runoff rate.
- **Article 15 in the By-Laws Title V** asserts that the Town will utilize the policy, criteria, and information, including specifications and standards, of the latest edition of the Massachusetts MassDEP's revised Surface Water Discharge Permit Regulations at 314 CMR 3.06(11)(b)5 Storm Water Management Policy for execution of the provisions of this bylaw. The bylaw does not mention applicants must adhere to the Massachusetts Stormwater Handbook.

Stormwater Design and Treatment

- **Wetlands Regulations (Section 33)** states that stormwater management systems subject to Arlington's Wetlands Protection Bylaw should meet, at a minimum and to the extent practicable, the best management practices for stormwater management as set forth in the MassDEP stormwater standards.

Post Construction Site Runoff Control

- **Stormwater Management Article (Article 15) in the By-Laws Title V** requires that no project subject to the bylaw can increase the surface water runoff rate relative to the predevelopment runoff rate.
- **Wetlands Regulations (Section 12B and Section 33)** states that the Conservation Commission may require applicants to provide a runoff plan and calculations using the Rational Method or "the Cornell" method, and based on the ten-year, fifty-year and one-hundred-year-flood frequency event period. It also states that calculations should show existing and proposed runoff conditions for comparative purposes.
- **Zoning Bylaws (Section 3.4.4)** includes Environmental Design Review Standards that the Board uses to review plans. The standards include a provision that stormwater drainage will be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Available Best Management Practices for the site should be employed and include site planning to minimize impervious surface and reduce clearing and re-grading. Best Management Practices may include erosion control and stormwater treatment by means of swales, filters, plantings, roof gardens, native vegetation, and leaching catch basins. Stormwater should be treated at least minimally on the development site; that which cannot be handled on site shall be removed from all roofs, canopies, paved and pooling areas and carried away in an underground drainage system.

- **Section 31 of the Town's Wetlands Regulations** states that applicants consider the project's adaptation to potential climate change impacts by addressing project stormwater surface runoff, which may increase due to storm surges and extreme weather events, and how this will be managed / mitigated to prevent pollution (including nutrients from fertilizers, roadway runoff, etc.) from entering the resource area with consideration of eliminating impervious surfaces as feasible.

Construction Site Stormwater Runoff Control

- **Wetlands Regulation (Section 12B)** require plans include methods to control erosion during and after construction.
- **Zoning Bylaw (Section 3.4.4)** require that available best management practices for surface water drainage should be employed, which may include erosion control.

Operation and Maintenance

- **Zoning Bylaws (Section 3.4.4)** may require applicants to provide security satisfactory, or fund, to the Board to ensure the maintenance of all stormwater facilities such as catch basins, leaching catch basins, detention basins, swales, etc. within the site. It also states that the Board may use funds provided by such security to conduct maintenance that the applicant fails to do.

Compliance with Existing Regulations

The following section focuses on observations and suggestions for the Town to consider to be in compliance with the MS4 General Permit and the MassDEP stormwater standards. The overall schedule for compliance is summarized below:

- **Current (required as part of the MS4-2003 permit)**: Develop of an ordinance or regulatory mechanism that requires the use of erosion and sediment control (ESC) practices at construction sites. This shall be implemented through an ESC plan, which should include provisions to address short- and long-term maintenance of practices.
- **End of Year 2 (6/30/2020)**: Develop or amend the existing ordinance or regulatory mechanism to address sites that disturb one or more acres including LID planning and site design strategies; design of treatment practices following guidance provided in the Massachusetts Stormwater Handbook; and stormwater management treatment requirements for both new and redevelopment.
- **End of Year 4 (6/30/2022)**: Develop a report that assesses the current street design, parking lot guidelines and other requirements that affect the creation of impervious cover. Develop a report that assesses the feasibility of allowing the use of green infrastructure practices.
- **Beyond Year 4**: Recommendations from both assessment reports shall be implemented in accordance with the schedules contained in the assessment.

General Stormwater Policy

- The Town currently has codes referencing stormwater management in multiple locations, including the By-Laws, Wetlands Regulations, and the Zoning Bylaw. **Arlington should consider developing a comprehensive standalone stormwater ordinance that consolidates all stormwater regulations and standards to meet the MS4 General Permit and Wetlands Protection Act. This will help remove inconsistent language in multiple bylaws and documents. It will help applicants better understand and comply with stormwater management requirements.**
- The Town references the Stormwater Handbook in terms of the design and performance standards for stormwater BMPs for projects subject to the Town's Wetlands Regulations. However, some of the requirements in the MS4 General Permit are more stringent than the corresponding stormwater standard detailed in the Stormwater Handbook. The references to the Stormwater Handbook are no longer adequate for some standards, mainly for evaluating loss of annual recharge (Standard #3), treatment (Standard #4), and redevelopment projects (Standard #7). **The Town will need to update their bylaws to be consistent with the MS4 General Permit by July 1, 2020 (within two years of the permit effective date). This may include editing the reference to the Stormwater Handbook, as necessary, if the Handbook has not been updated by July 1, 2020.**

Applicability

- The MS4 General Permit (Section 2.3.5.a) requires that permittees develop a program to address post-construction stormwater runoff from all new development and redevelopment sites that, at a minimum, disturb one or more acres and discharge into the permittee's MS4. The program will include sites less than one acre if the site is a part of a larger common plan of development or redevelopment that disturbs at least one acre. The Town currently has minimum thresholds defined under Stormwater Management Article (Article 15) in the By-Laws Title V of 500 square feet for new development and 350 square feet increase of impervious area for redevelopment. **The Town should consider evaluating appropriate thresholds that reflect the typical alterations to parcels and impervious area within the Town. The Town can adjust the site plan review requirements as is reasonable for the thresholds selected.**
- The MS4 General Permit and Wetlands Protection Act (WPA) define redevelopment area differently. The MS4 General Permit specifies that redevelopment sites contain both areas already developed and areas not yet developed, whereas the WPA defines a redevelopment site as only the portion of the land that already developed,. This means that the applicability of the MS4 permit requirements in areas under WPA jurisdiction will need to be clearly defined for the Applicants. **The Town should provide definitions for redevelopment projects.**

Stormwater Design and Treatment

- New Development: The treatment requirement for new development sites will need to be updated to reflect requirements in the MS4 General Permit. The following requirements need to be developed and implemented within two years of the effective permit date (July 1, 2020) in accordance with Section 2.3.6.a.ii of the MS4 General Permit.
 - a. In addition to requiring the stormwater management systems be compliant with Massachusetts Stormwater Management Standards 1, 2, 3, 5, 6, and 9, it also requires stormwater management systems to be designed to:
 - Retain the volume of runoff equivalent to, or greater than, one inch multiplied by the total post-construction impervious surface area on the site AND/OR
 - Remove 90% of the average annual load of Total Suspended Solids generated from the total post-construction impervious area on the site AND 60% of the average annual load of Total Phosphorus generated from the total post-construction impervious surface area on the site.

As stated above, the Storm Drain Regulations currently reference the Massachusetts Stormwater Handbook, which specifies that stormwater management systems must be designed to treat a required water quality volume of either 1.0 inch of runoff times the total impervious area (near critical areas) or 0.5 inch for all other discharges and remove 80% of the average annual load of the TSS. **The Town should consider updating the treatment requirement to specify the required retained volume AND/OR Total Phosphorus (TP) and Total Suspended Solids (TSS) reductions required under the MS4 General Permit Section 2.3.6.a.ii for new development. The use of 'AND/OR' in the MS4 General Permit provides flexibility for the Town to decide how best to meet this requirement. For example, the Town may require both the retention of one inch and the TSS and TP reductions, allow either the retention of the one inch or the TSS and TP reductions (to be selected by the Applicant), or specify one of the treatment requirements.**

- Redevelopment: The treatment requirement for redevelopment sites will need to be updated to reflect requirements in the MS4 General Permit. The following requirements need to be developed and implemented within two years of the effective permit date (July 1, 2020) in accordance with Section 2.3.6.a.ii of the MS4 General Permit.
 - b. In addition to the requiring the stormwater management systems on redevelopment meet Massachusetts Stormwater Management Standards 1, 2, 3, 5, and 6 to the maximum extent possible, it requires systems to improve existing conditions on site by requiring the system to:
 - Retain the volume of runoff equivalent to, or greater than, 0.80 inch multiplied by the total post-construction impervious surface area on the site AND/OR
 - Remove 80% of the average annual post-construction load of Total Suspended Solids generated from the total post-construction impervious area on the site AND

50% of the average annual load of Total Phosphorus generated from the total post-construction impervious surface area on the site.

This includes roadway widening or improvements that increase the amount of impervious area on the redevelopment site by greater than or equal to a single lane width.

As stated above, the Storm Drain Regulations currently reference the Massachusetts Stormwater Handbook, which specifies that stormwater management systems must be designed to treat a required water quality volume of either 1.0 inch of runoff times the total impervious area (near critical areas) or 0.5 inch for all other discharges and remove 80% of the average annual load of the TSS. **The Town should consider updating the treatment requirement to specify the required retained volume AND/OR TP and TSS reductions required under the MS4 General Permit Section 2.3.6.a.ii for redevelopment projects. Similar to the provision stated under New Development, the use of 'AND/OR' in the MS4 general permit provides flexibility to the Town to decide how best to meet this requirement.**

- The MS4 General Permit Section 2.3.6.a.ii also states that the ordinance must include a provision that Low Impact Development (LID) site planning and design strategies be used to the maximum extent feasible. **Arlington should consider adopting a LID site-planning checklist, like what the Town of Winchester has adopted, that will ensure the applicant has considered all LID practices possible when planning for the project. Additional information on LID principles and techniques can be found on MAPC's LID Toolkit website (<https://www.mapc.org/resource-library/low-impact-development-toolkit/>).**
- Since the Town of Arlington MS4 discharges to phosphorus impaired waters, the MS4 General Permit (Appendix H, Section II.1.a.i.2) requires that the permittee adopt or amend an ordinance or other regulatory mechanism to include a requirement that new development and redevelopment stormwater management BMPs be optimized for phosphorus removal. **The Town should consider including this specification into the Town By-Laws and the Wetlands Regulations and providing a list of BMPs and design recommendations that optimize phosphorus removal. Methods for calculating phosphorus reduction credits for BMPs are provided in the MS4 General Permit Appendix F.**
- The bylaws were reviewed for compliance with the Stormwater Management Standards. Our review did not uncover any bylaws pertaining to stormwater discharges from land uses with higher potential pollutant loads (Stormwater Standard #5) or stormwater discharges within the Zone II or Interim Wellhead Protection Area of a public water supply, or near any critical area (Stormwater Standard #6). **The Town should consider specifying in its By-Laws and Wetlands Regulations the design requirements for stormwater discharges within these areas, as detailed in the Massachusetts Stormwater Handbook.**

- The MS4 General Permit (Section 2.3.6.a.ii.4) allows for the use of off-site mitigation within the same USGS HUC 10 watershed for a developer to meet equivalent retention or pollutant removal requirements of a redevelopment site. However, the MS4 General Permit does not mention this provision for new construction projects. Off-site mitigation can allow the Town to provide flexibility for redevelopment sites and prioritize management of stormwater runoff on sites that may be more beneficial for the community, either as identified through a watershed plan, a Municipal Vulnerability Preparedness (MVP) program, or a Hazard Mitigation Plan. Whereas the MS4 General Permit allows off-site stormwater management, or mitigation, the Wetland Protections Act does not allow mitigation to occur physically off-site. **The Town should consult available resources, including the *Guidance for Developing Off-site Stormwater Compliance Program for Redevelopment Projects in Massachusetts* (<https://www3.epa.gov/region1/npdes/stormwater/ma/ma-off-site-mitigation-guidance-manual.pdf>) to determine if such a program would be applicable and how best to develop a program. If feasible and appropriate, the Town could include off-site mitigation in its bylaws where redevelopment projects are addressed. Example language is provided in the reference noted above; however, the Town could include language to provide permit off-site mitigation on a case-by-case basis if a full program is not feasible.**

Construction Site Stormwater Runoff Control

- The MS4 General Permit (Section 2.3.5) requires that an ordinance or other regulatory mechanism be adopted that requires the use of sediment and erosion control practices at construction sites. This includes controls for other wastes on construction sites (e.g., litter, sanitary wastes, demolition debris). **As noted above, the Wetlands Regulations mention that methods to control erosion during and after construction are required to be submitted. However, it does not specify what should be addressed. The Town should consider specifying requirements for ESC, including requirements for an ESC plan, into Article 15 of the By-Laws Title V and in the Wetlands Regulations.**
- The MS4 General Permit (Section 2.3.5.c.iii) requires that construction site operators include BMPs appropriate for the conditions at the site when implementing a sediment and erosion control program. Examples of BMPs include:
 - Minimize the amount of disturbed area and protect natural resources;
 - Stabilize sites when projects are complete or operations have temporarily ceased;
 - Protect slopes on the construction site;
 - Protect all storm drain inlets and armor all newly constructed outlets;
 - Use perimeter controls at the site;
 - Stabilize construction site entrances and exits to prevent off-site tracking;
 - Inspect stormwater controls at consistent intervals.

The Town should consider including this requirement into the Article 15 of the Town By-Laws Title V and in the Wetlands Regulations as well as provide an example list of BMPs.

- The MS4 General Permit (Section 2.3.5.c.ii and 2.3.5.c.v) requires that the Town develop written procedures for site inspections and enforcement of sediment and erosion control measures. The procedures need to clearly define
 - who is responsible for site inspections and who as the authority to implement enforcement procedure,
 - inspections occur during construction of BMPs as well as after construction,
 - procedures for inspections including qualifications necessary to perform the inspections and the use of mandated inspection forms if appropriate,
 - procedures for tracking the number of site reviews, inspections, and enforcement actions.

The Town does not specify whether inspections and enforcement of sediment and erosion control measures is done. However, the Town has developed a Site Inspection Form and conducts inspections. While it is not required to be included in Town By-Laws, the Town should consider outlining the inspection requirements and enforcement provision in Article 15 of the By-Laws Title V. An inspection checklist may also help enforce applicants to conduct regular inspections and follow clearly defined inspection procedures.

Operation and Maintenance

- The Zoning Bylaw mentions that the Board may require financial security from the applicant to ensure maintenance of stormwater facilities is conducted. However, no specifications or requirements on long-term operation and maintenance are described. The Stormwater Handbook currently provides a list of required components for a long-term operation and maintenance plan under Standard 9. **The Town should consider including a requirement that the applicant submit a long-term operation and maintenance plan in Article 15 of the By-Laws Title V and in the Wetlands Regulations. The Town can consider including the requirements for O&M plans as stated in the MassDEP stormwater standards, which include specifying routine and non-routine maintenance tasks to be done after construction is complete and a schedule for implementing the tasks, and an estimated operations and maintenance budget.**

Beyond Compliance: Opportunities for Green Infrastructure (GI) and Low Impact Development (LID)

The Town of Arlington bylaws were evaluated to identify opportunities for reducing impervious cover, integrating LID, and removing barriers to installing GI practices. The following goals are highlighted to further promote the use of GI and LID practices within the Town.

- As noted above, the Stormwater Management Article (Article 15) in the By-Laws Title V outlines the applicability thresholds of 500 square feet for new development and 350 square feet increase of impervious area for redevelopment. **The Town could further include a provision in**

the regulations to include parcels permitted by right as well as parcels where buildings are razed and/or built upon in the same footprint (where there is no change in impervious cover).

- As noted above, the Town's Zoning Bylaws include Environmental Design Review Standards (Section 3.4.4). One mentions that projects are encouraged to incorporate best practices related to sustainable sites, water efficiency, energy and atmosphere, materials and resources, and indoor environment quality. The Surface Water Drainage standard mentions that best management practices should be employed to treat stormwater by means of swales, filters, plantings, roof gardens, native vegetation, and leaching catch basins. The code also states that minimizing impervious surface and reducing clearing and grading are best management practices. **Best management practices can include the use of permeable pavement options for some areas including parking lots, sidewalk and driveways, if desired by the Town. Permeable pavement is porous material that helps to promote infiltration and reduce runoff volume. Permeable pavement is appropriate for low-speed, low-traffic areas, such as walkways, plazas, parking stalls, and overflow parking areas. Common types of permeable paving include porous asphalt and pervious concrete, paving stones, and grass pavers (MAPC, 2010).**
- The Surface Water Drainage Standard in the Town's Zoning Bylaws also state that stormwater should be "treated at least minimally on the development site; that which cannot be handled on site shall be removed from all roofs, canopies, paved and pooling areas and carried away in an underground drainage system." **The Town should promote redirection of clean roof runoff to landscaped areas or BMPs to increase infiltration and reduce impervious area.**
- **The Town should consider developing local provisions for the external use of stormwater (e.g., rain barrels and rainwater harvesting) to encourage residents and businesses to intercept and store stormwater runoff from roofs.**
- The Town does not specify any minimum standards for curbing except for parking lots on private property abutting a public sidewalk (By-Laws, Title III, Section 27). **The Town should consider maintaining flexibility in the requirements to allow curbing as needed, as this may be a barrier to use of GI/LID practices that may have been considered, such as bioswales or bioretention areas in parking lots. Reverse curbing and curb cuts into green infrastructure features can reduce runoff and improve water quality.**
- The Town does not include any design specifications for sidewalks. **The Town should maintain flexibility in the requirements to allow sidewalks as needed to reduce impervious area where possible.**
- The Town's Zoning Bylaw (Section 6.1.4) provides the minimum number of parking spaces for off-street parking per dwelling unit or per gross floor area of the building for each type of land use. **The Town should consider introducing flexibility in parking standards by providing a**

maximum parking ratio standard to minimize excessive impervious area while providing adequate parking.

- The Town's Zoning Bylaw (Section 3.4.4) states that available best management practices for the site should be used to minimize impervious surface. Section 6.1 requires that off-street parking, loading areas, and access driveways be surfaced by pervious or impervious materials. **The Town should consider including pre-approved permeable pavement options. The Town could also consider including a bylaw that would require pervious paving for overflow parking and parking area sidewalks.**

Preserve the hydrologic function of natural features

This goal can include minimizing building, driveway and right-of-way footprints, and preserving topsoil, trees, existing topography, open space, and wetlands. It can also include minimizing clearing and grading, and locating sites in less sensitive areas.

The Town should consider including more specific elements of GI and LID design planning. Requiring applicants to complete a LID Site Design and Planning Checklist will ensure that applicants fully consider and review LID and GI practices. The Checklist may include the following:

- Strategies to avoid impacts such as preservation of undisturbed areas, buffers and floodplains, minimize clearing and grading, and locating sites in less sensitive areas;
- Strategies to reduce impacts such as reducing impervious cover; and
- Strategies to manage impacts such as disconnecting impervious area, stream/wetland restoration, mitigation of runoff at the generation point, and source control.

Allow and encourage multi-functional stormwater controls

This goal includes promoting green infrastructure in landscaped areas, open spaces, on roofs, and in rights-of-way. It also includes redirecting stormwater from gray to green infrastructure where possible. Encouraging green infrastructure language in the bylaws and other town documents also helps meet this goal.

- The Town's Zoning Bylaw defines "open space landscaped" as open space that may include landscaped elements. **The Town should consider encouraging the use of GI practices by allowing them to count towards the fulfillment of open space requirements.**
- The Town's Zoning Bylaw, Section 5, provides for various minimum setbacks (e.g., Section 5.4.2.A) for yard setbacks and lot frontage. **The Town should consider reducing or eliminating the minimums in areas where there are nearby environmental resources or in areas where the Town's open space goals may be met.**
- The Town's Zoning Bylaw, 6.1.11.D states parking areas with more than 25 spaces should include landscaped areas in at least 8% of the total paved portion of the parking area. **The Town**

should consider encouraging stormwater management BMPs as part of this planting requirement.

- The Town's Zoning Bylaws provide a narrative description of the goals of the of the bylaw. **The Town should consider including the Town's GI and LID goals/objectives. This will help reiterate to applicants and residents alike the important of meeting or exceeding the requirements in the MS4 General Permit and the MassDEP stormwater standards.**

Other Resources for GI and LID Bylaw Reviews

There are several existing resources available to complete a detailed review of the Town's Bylaws to promote the use of LID and GI practices. These include checklists and descriptions of the types changes to local bylaws that are most effective for LID and GI.

- Metropolitan Area Planning Council (MAPC): <https://www.mapc.org/resource-library/do-your-local-codes-allow-lid/>.
- Center for Watershed Protection (CWP): <https://www.cwp.org/updated-code-ordinance-worksheet-improving-local-development-regulations/>
- Mass Audubon: <https://www.massaudubon.org/our-conservation-work/advocacy/shaping-the-future-of-your-community/publications-community-resources/bylaw-review>
- Other resources available through EPA: <https://www.epa.gov/npdes-permits/stormwater-tools-new-england>

The Town should consider reviewing other Town or City stormwater management design guidance or guidebooks developed to help further evaluate opportunities for environmentally sensitive site design and green infrastructure practices. These resources could help Arlington develop and promote goals and objectives for stormwater management, which could include the preservation and conservation of open space, reduction of pollutant loads to the Mystic River, and reduction of phosphorus.

References

Center for Watershed Protection. 2018. Guidance for Developing an Off-site Stormwater Compliance Program for Redevelopment Projects in Massachusetts. June 2018.

Massachusetts Department of Environmental Protection. The Massachusetts Stormwater Handbook. Revised February 2008.

Massachusetts Department of Environmental Protection. Wetlands Protection Act. Massachusetts General Laws Chapter 131, Section 40.

Metropolitan Area Planning Council. 2010. Fact Sheet: Permeable Paving.
<https://www.mapc.org/resource-library/fact-sheet-permeable-paving/>.

United States Environmental Protection Agency. 2018. General Permits for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems in Massachusetts. Issue date: April 4, 2016. Effective date: July 1, 2018. Modification date: November 7, 2018.

Town of Arlington. NPDES PII Small MS4 General Permit Annual Report. Reporting Period April 1, 2017 – March 31, 2018.



Engineering Division

TOWN OF ARLINGTON
Department of Public Works
51 Grove Street
Arlington, Massachusetts 02476
Office (781) 316-3320 Fax (781) 316-3281

MEMORANDUM

To: Mystic Watershed Municipal Stormwater Management Collaborative

From: Wayne Chouinard, Town Engineer
Bill Copithorne, Assistant Town Engineer
Emily Sullivan, Environmental Planner

Date: July 10, 2019

RE: Stormwater Action Plan for Arlington, MA

On October 1, 2018, Arlington filed a Notice of Intent (NOI) with the Environmental Protection Agency (EPA) and Massachusetts Department of Environmental Protection (MassDEP) indicating that the Town intends its stormwater discharges to be authorized under the terms and conditions of the new permit. The Engineering Division and Planning and Community Development Department are working together to develop policies, procedures, and schedules to fulfill the requirements of the MS4 permit. The following provides an outline of the activities and actions that will occur over the next three years and opportunities for collaborative efforts to address stormwater issues and compliance.

Overall Plan

In the Fall of 2018, Arlington and Winchester were selected for the Mystic Watershed Municipal Stormwater Management Collaborative, facilitated by the EPA, MassDEP, Consensus Building Institute, and Mystic River Watershed Association (MyRWA). Through this program, Arlington identified small-scale, cost-effective stormwater projects that improve the resilience of the Town's stormwater drainage system, enhance water quality, and help the Town comply with MS4 requirements. Arlington also conducted a stormwater regulatory audit, reviewing all stormwater regulations across departments to identify opportunities to create consistency. Through both of these deliverables, the Town assessed structural and non-structural best management practices (BMPs) in order to formulate an MS4 action plan.

Over the next three years, Arlington will accomplish the following policy and infrastructure objectives:

1. Update stormwater regulations to create consistency across permitting boards (e.g. Engineering, Conservation Commission, Redevelopment Board, etc.).

2. Install pollution reducing green and gray infrastructure (e.g. the infiltration trenches designed as part of the collaborative). The Town will apply for state and federal funding, as well as allocate some of the annual stormwater funding for these projects.
3. Analyze funding mechanisms for stormwater improvements and assess the feasibility of instituting such a fund.

Action Plan 3 Year Schedule

Action	Objective	Timeline	Responsible Departments
Stormwater Regulatory Audit	Review stormwater regulations internally (with aid of Collaborative memo) and determine revisions, particularly for redevelopment and development thresholds	Summer-Fall 2019	Engineering, Public Works, Planning and Community Development, Town Manager, Legal
Propose a new stormwater bylaw at Town Meeting	Create an all-inclusive stormwater bylaw	Fall 2019- Spring 2020	Engineering, Public Works, Planning and Community Development, Town Manager, Legal
Educational outreach for new stormwater regulations when/if passed	Town departments, Town Commissions, general public	Spring 2020-Fall 2020	Engineering, Planning and Community Development, Inspectional Services
Install infiltration trenches along Coral St and Park St	Construct pollution-reducing trenches that will give Arlington MS4 credits	Summer 2019	Engineering, Public Works
Determine locations for additional infiltration trenches	Identify locations and funding for additional MS4 credited infrastructure	Annually	Engineering, Public Works
Determine locations for additional rain gardens	Identify locations and funding for additional MS4 credited infrastructure	Annually	Engineering, Public Works
Participate in MyRWA's Resilient Mystic Collaborative	Participate in the regional MVP grant awarded to RMC to conduct Upper Mystic Watershed stormwater modeling and identify	Summer 2019- Summer 2020	Planning and Community Development, Engineering, Public Works

	locations for green infrastructure interventions		
Participate in CRWA's Climate Compact	New group, objectives not yet defined	Ongoing	Engineering, Public Works, Planning and Community Development
Analyze stormwater funding mechanisms	Internally discuss the feasibility of a new stormwater enterprise fund and structure of fund	2020	Engineering, Public Works, Planning and Community Development, Town Manager, Legal
Assess feasibility of a stormwater enterprise fund	Hire a contractor to develop a feasibility study and mechanism	2021	Engineering, Public Works, Planning and Community Development, Town Manager, Legal
Comply with programs outlined in the SWMP	Comply with MS4 annual deliverables	Ongoing	Engineering, Public Works, Planning and Community Development
Landscaper Training	Lead a lunch-and-learn training landscapers about proper fertilizer treatment and stormwater management	Summer 2019	Engineering, Planning and Community Development
Stormwater Website Revamp	Update stormwater website with more information and additional educational resources	Fall 2019	Engineering
General Public Education and Outreach	Provide information for residents to improve stormwater quality and reduce stormwater runoff	Ongoing	Engineering, Planning and Community Development

Additional Stormwater Reflections

Through the experience of participating in this Collaborative, the Town has had an opportunity to reflect upon the major challenges faced in meeting the MS4 permit requirements. Some of the main challenges to improving local stormwater management include: interdepartmental coordination to create and enforce consistent stormwater standards/regulations; adjusting/creating bylaws and passing them at Town Meeting in compliance with the MS4 schedule requirements; and identifying and fostering enough political will to successfully implement a stormwater funding mechanism.

In regard to consistent regulations, an additional factor that currently complicates this effort is that MassDEP guidance (the MassDEP Stormwater Handbook) does not meet all of the requirements of the MS4 Permit Requirements. This leads to concerns that some of the efforts of Town staff will be duplicated over the coming years should edits to the Handbook not be completed prior to applicable reporting requirements.

The Town is also struggling to establish the BMP metrics outlined in the SWMP, because the Town does not necessarily have baseline data. Some of the metrics seem weak, but monitoring capacities within the Town are limited.

Lastly, the Town remains interested in an anticipated timeframe for when TMDLs may be established for the Mystic Watershed. Any further insight that the MassDEP may be able to share is appreciated.

Arlington Redevelopment Board
Open Forum
July 22, 2019

I, Christopher Loreti, respectfully request that the Arlington Redevelopment Board propose the following amendments to the Arlington Zoning Bylaw at the next Special or Annual Town Meeting:

1. Sections 5.4.2, 5.5.2, and 5.6.2

For the minimum Landscaped and Usable Open Space Requirements, add a note that the required percentages are based on the "Percent of Gross Floor Area."

Comment: "Percent of Gross Floor Area" was clearly designated in the pre-codification bylaw for the open space requirements but apparently was inadvertently omitted during recodification.

2. Section 5.4.2 LEGEND FOR TABLES

Delete the lines for SP and Y and place them under Section 5.4.3. Add the following line thereafter: "Uses designated with a blank shall not be permitted in the district."

Section 5.5.2 LEGEND FOR TABLES

Delete the lines for SP and Y and place them under Section 5.5.3. Add the following line thereafter: "Uses designated with a blank shall not be permitted in the district."

Section 5.6.2

Add "LEGEND FOR TABLES" as amended above.

Section 5.6.3

Add explanation for SP, Y, and blank as above.

Comment: Sections 5.4.2 and 5.5.2 are for Dimensional and Density Regulations, not Use Regulations, which are found in Sections 5.4.3 and 5.5.3. SP and Y are abbreviations for the Use Regulations tables and should be located in those sections. The explanation for a blank in the Use Regulations tables comes directly from the pre-codification bylaw. It apparently was inadvertently omitted during recodification. The tables in Section 5.6.2 and 5.6.3 are lacking any legends and should be amended to have the same explanations as for the corresponding tables for residential and business uses.

3. Section 2 Definitions

Add to the end of the definition of Mixed-Use the text: "provided that each distinct land use itself is allowed by right or by special permit in the zoning district in which the structure is located."

Comment: This addition will eliminate any confusion among Town Staff or future ARB members that the Mixed-Use amendment was presented to and passed by Town Meeting on the basis that only uses already allowed in a zoning district can be permitted as part of a Mixed-Use development in the same district.

Sincerely,

Christopher Loreti



Town of Arlington, Massachusetts

Meeting Minutes (11/4)

Summary:

9:45 p.m. -
9:50 p.m.

- Board members will review minutes and may vote to approve them

ATTACHMENTS:

Type	File Name	Description
▣ Reference Material	11042019_Draft_Minutes_ARB.pdf	11042019 ARB Draft Minutes

Arlington Redevelopment Board
Monday, November 4, 2019, 7:30 PM
Town Hall Annex,
2nd Floor Conference Room
Meeting Minutes

This meeting was recorded by ACMi.

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

STAFF: Jennifer Raitt, Director of Planning and Community Development

The Chair called the meeting to order and notified all attending that the meeting is being recorded by ACMi.

The Chair introduced the first agenda item, Environmental Design Review, Public Hearing Poyant Signs for 833 Mass Ave.

The Chair explained to Poyant Signs that while the hearing is for signage at CVS, the Board and members of the public will want to speak about the neighboring property, known as the Atwood House. The Chair reminded members of the public in attendance that Poyant Signs does not have control over the neighboring property and is here for the CVS sign change. The Chair said that the Atwood House has been a long standing issue for the town. The Chair said that with this special permit being reopened it is an opportunity for a discussion about the original conditions of the special permit regarding maintenance and future plans for the Atwood House. Poyant Signs explained that CVS is updating their signs throughout the country and would also like to add one do not enter sign at this location.

The Chair then deferred to the Board for comments. Ms. Zsebery said that the property owner needs to follow-through with the original permit conditions required for the Atwood House property. Mr. Benson said that he watched the ARB meetings that he could not attend, so he is prepared to vote on this issue. Mr. Benson said he drove past CVS and he noticed that there is a sign missing from the existing and proposed signage plan. The Chair and Poyant Signs said that they can have the sign added to the revised site plan. Mr. Watson said he had no issue regarding the signage but would like a resolution to the issues regarding the Atwood House property. Mr. Lau said he has no problem with the signage change due to CVS's rebranding. Mr. Lau said that the Board needs to devise a reasonable solution that is fair to Poyant Signs and CVS. Ms. Raitt said that as well as the previously noted sign, the current landscaping is also different than the landscape plan submitted with the original application. The landscaping between the brick front of the CVS building and the sidewalk that was approved at the time of the original decision was never installed or installed and then removed.

The Chair opened the floor to the public for comment. John Worden said he forwarded an email with documents from the time of the original decision. Mr. Worden said that based on the original decision it was intended that the Atwood House serve a useful purpose. Mr. Worden said that there was talk of creating affordable housing with parking in the rear of the Atwood House, but the owner said he would only grant a 10-year lease for that use. He noted that the Atwood House is boarded up and in a commercial area, which is not allowed. Mr. Worden said he sent a letter to the Building Inspector regarding the vandalism and condition of the house. Mr. Worden said that the house was named for Dr. Atwood who served the town well.

John Atwood from 523 North Oakland St, Arlington VA, the grandson of Dr. Atwood, came to offer comments on the historical context of the house. Dr. Atwood was originally from his family farm in Rhode Island. He attended Harvard College and Harvard Medical School and graduated in 1900. Mr. Atwood said he thinks that Dr. Atwood moved to Arlington before 1906. Dr. Atwood was active with Symmes Hospital and was the Town Physician, working with the Board of Health. Dr. Atwood was in the Symmes Hospital gallery of honored physicians who

worked with Symmes Hospital through the years. Mr. Atwood said that the Atwood House was elegant in its day but many of the unique details, including the stained glass window on the second floor, have been destroyed by vandals. Mr. Atwood said he thinks the house is historically significant to the Town of Arlington; therefore the house should be preserved.

Mr. Lau noted that the house was transformed by the dentists who used the building after it transitioned from being doctors' offices. Mr. Lau said that many of the details Mr. Atwood described are no longer there due to the renovations to the dentists' offices.

David Baldwin, a member of the Arlington Historical Districts Commission, said that the sign as you enter Arlington from Cambridge says welcome to historic Arlington. Mr. Baldwin said that many historical structures have been moved or demolished therefore the remaining historic buildings are important. If Arlington is promoting history we should not be raising historic structures. Mr. Baldwin said that we are all stewards of the historic past so we should make a stand for historic buildings and this is the legacy that we leave to the future. Carl Wagner said he wanted to thank the ARB for the Oct. 7 meeting where the Atwood House was discussed to be able to have a conversation about why is that house in such bad shape for such a long time. Mr. Wagner said he hoped that Arlington residents would reach out to Inspectional Services to get the house taken care of before something awful happens. Mr. Wagner said he learned at the October 7, 2019 Redevelopment Board meeting that 10 years ago instructions were given to the owners that they were not permitted to demolish the building. Peter Bloom said as a neighbor he is discouraged seeing what has happened to the house over the years. Mr. Bloom said he does not understand how this could have gone on for so long. Mr. Bloom said he looks forward to see what can be done. He said Arlington will be losing the high school's architecture so that makes the Atwood House even more important to the streetscape.

The Chair turned the meeting back to the Board to deliberate. The Chair said that the Board may be limited to what they may be able to decide this evening. Mr. Benson said that he does not think that there is any way to connect the application before the Board to the issue of the condition and future of the Atwood House. Mr. Benson said he does not know if the Board can condition the sign permit to address the Atwood House. The Chair said that in the 7 to 8 years he has been on the Board only one other time a special permit has been reopened and the special conditions and general conditions put forth by the special permit have not been withheld. CVS has been an excellent neighbor to the town and it is not reasonable to keep CVS from moving forward. Special permit condition #5 states that reasonable efforts should be used to prevent additional damage by the elements or otherwise until it is developed. These efforts have not taken place in the last 10 years. The historical and cultural implications of the house notwithstanding, the house is falling down and with its condition there is concern about the church next door and neighboring CVS. The Board is essentially dealing with an absentee property owner. The Chair said that the Board does not want to cause undue hardship to CVS; but as a long-time tenant, they might have influence over the property owner to improve management for the property.

Mr. Watson said he is not comfortable to continue to stall CVS from moving forward with the signage. Regardless of what pressure CVS might be able to exert on Mr. Noyes, any type of redevelopment of the site is going to take a while. Mr. Watson asked if the Board has another alternative than holding off on CVS' signage change. He asked if the Town has another alternative since the owner has clearly violated the terms of the special permit so we can allow CVS to move forward. Ms. Raitt said the special permit was reopened in order to allow the Board to meet with the property owner and his attorney, which occurred on October 7th. However, the Board and property owner did not devise an action plan or terms for next steps. There should be limit on how long the Board holds off issuing a permit to a tenant of the property owner. There are other legal measures the Town can take to further protect this property including a preservation restriction. Ms. Raitt said that the condition of the Atwood House

does not directly relate to this tenant or their ability to install signs and make interior improvements.

The Chair said that the Board would theoretically have the opportunity to enter into further discussions under general condition #4 by reopening the permit and place conditions specifically on this property. Mr. Lau said in his opinion the Board should approve the signs for CVS and use the Board's authority to reopen the permit and discuss concerns about the property directly with the property owner. Ms. Zsembrey said that she understands the timeline a retailer has for a rebranding effort. The Atwood house has dangerous activities adjacent to the CVS property and it is important for them to understand the risks and the Town's concerns. She feels it would be important to have someone from CVS to attend this hearing and work with the owner in order to expedite a resolution for their customers and the Town. The Chair said that he feels that at this time they can close testimony on behalf of the sign company. Mr. Benson suggested adding a third condition that a representative of CVS comes to meet with the Board. Mr. Lau said that the Board should follow up with Mr. Noyes for the update from Mr. Noyes' architect and structural inspector. The Chair suggested a motion to approve the application for special permit, Docket # 3348 with the following conditions: adding the missing directional sign, correcting the landscaping, and a reopening the special permit to discuss condition #5 at a public hearing on December 16th with both a CVS representative with decision making authority and the property owner. Mr. Lau moved to approve, Mr. Watson seconded, all voted in favor 5-0.

The Chair suggested a second motion to reopen special permit Docket #3348 for a public hearing on December 16, 2019. The property owner and a representative from CVS with decision making authority must attend to discuss special permit, condition #5. Mr. Benson moved to approve, Mr. Lau seconded, all voted in favor 5-0.

The Chair closed that portion of special permit #3348 hearing and introduced the next agenda item, update on Central School renovation project schedule and endorsement of borrowing for Central School renovation project.

Ms. Raitt gave the Board a current timeline of the project. Ms. Raitt said she spoke with Bond Counsel who requested that the Board endorse spending; the amount bonded by Town Meeting is \$8,055,000.00. Ms. Raitt reviewed the budget for the project. Ms. Raitt explained that the endorsement shows that the Board supports this project. Mr. Benson moved to support the bonding of the Central School in the amount appropriated by Town Meeting, The Chair seconded, all voted in favor 5-0.

The Chair introduced the next agenda item, Committee Updates. Ms. Raitt said that the Housing Plan Implementation Committees is discussing two proposals for a future Town Meeting: a real estate transfer tax at a municipal affordable housing trust fund to hold and keep funding for affordable housing. Ms. Raitt said Town Counsel will be attending the next Housing Plan Implementation Committee meeting to further discuss the second item with the committee.

Mr. Watson said that the Zoning Bylaw Working Group voted to hire RKG Associates to conduct an Economic Analysis of the Industrial Zones, which includes an analysis of ways to invigorate industrial spaces. The Chair asked if the ZBWG considered hiring a consultant to review the zoning districts along the business corridor in Town. Ms. Raitt said that was planned for last year but the Town did not receive any bids from consultants. Steve Revilak, member of the ZBWG in the audience, noted that the original RFP submitted last year included a review of sign bylaws and zoning in business districts but there were no bids. The RFP was then changed to only amend the sign bylaw.

Ms. Raitt said that she does not have any updates from the Master Plan Implementation Committee at this time. The MPIC typically meets quarterly and prior to Town Meeting.

Mr. Benson said that the Community Preservation Committee received 12 applications and the Committee invited all applicants to submit preliminary proposals to see if they qualify for CPA funding. Mr. Benson said that the CPC

did not receive any applications for affordable housing. Mr. Lau asked if there was a carryover from last year. Mr. Benson says he thinks that there was some carryover and the committee should have adequate money to fund the approved proposals. Ms. Raitt said that the DPCD has updated the Town's historic property inventory cards as part of the Town's historic property inventory and will continue with mostly municipally-owned properties going forward. The Department is also pursuing an archeological survey of the Town which was recommended by the Survey Master Plan. The final Department request was for visioning/ planning process for the Minuteman Bikeway.

The Chair asked about the status of the design guidelines project. Ms. Raitt said that the RFP for a consultant was re-issued following a lack of responses the first time it was advertised.

Ms. Raitt and the Chair said that there has not been an Envision Arlington meeting in a year. Ms. Raitt asked to invite Juli Brazile to update the Board. Ms. Raitt said that the Envision Arlington survey for 2020 will include questions about housing.

Ms. Raitt said that the Open Space Committee is working on securing funds to create a new Open Space Recreation Plan – the current one expires in 2021.

The Chair introduced the next agenda item, Announcement: Release of Bike Parking Guide. Ms. Raitt said that this is a companion document to assist applicants with the new bike parking bylaw. Ms. Raitt said that that Mr. Watson's feedback was greatly appreciated and Ms. Raitt wanted to thank her DPCD staff. Ms. Raitt said that she is open to taking any other feedback. Mr. Benson said that this is a wonderful resource and he has some suggested wording changes. Steve Revilak said that he has been using a bike as his primary mode of transportation for about six years. Overall, he thinks the guide is wonderful and liked the examples of how to improve a bike parking facility. Mr. Revilak said he also likes the examples of corral parking systems. Mr. Revilak said he thinks they are a practical way to retrofit bike parking in an area that was originally designed to accommodate automobiles and it also shows how space efficient bicycle parking can be. Mr. Benson said it might be interesting to set up some of the bike parking corrals for Town Day next year. Ms. Zsemberly said she noticed that the graphics on the front of the guide shows one of the bike parking options that was an example of a poor bike parking option. Mr. Watson said he wanted to express his appreciation to the staff and he thinks it is a great job that the guide will be very helpful to developers, employers, the schools, and people running events in town. Mr. Watson said he would like to see the guide distributed in some way to the existing larger residential and commercial properties to give them ideas about creating bike parking or improving existing bike parking. Ms. Raitt said that the Town will create a press release to make the announcement.

The Chair introduced the next agenda item, ARB 2020 Meeting Schedule. The Chair suggested a motion to accept the ARB 2020 meeting schedule, Mr. Lau moved to approve, Ms. Zsemberly seconded, and all voted in favor 5-0.

The Chair introduced the next agenda item, Meeting Minutes (9/23, 10/7, 10/21). Mr. Benson moved to accept the 9/23/19 minutes with amendments, Mr. Lau seconded, and all voted in favor 5-0.

Ms. Zsemberly moved to accept the 10/7/19 minutes with amendments, Mr. Lau seconded, and all voted in favor 4-0 (Mr. Benson abstained).

Mr. Lau moved to accept the 10/21/19 minutes with amendments, Mr. Watson seconded, and all voted in favor 5-0.

The Chair opened the floor to members of the public for the open forum portion of the meeting. Don Seltzer said he has a question regarding the building at 887 Mass. Ave. Mr. Seltzer said that initially that location was to have commercial retail on the first floor and Mr. Seltzer said he understands that now there are plans for different use. Mr. Seltzer asked about the next steps since the space is will now be used for a different purpose than what was originally approved. Ms. Raitt said the space will be a preschool and the DPCD has followed the Board's guidelines

with a Dover review along with Inspectional Services and input from the Town Counsel. Ms. Raitt said she would be glad to share any other details or answer any other questions about the space or property. Mr. Seltzer said he thinks a preschool is a good use for the area, but since it is a different use that what was approved, Mr. Seltzer said that he feels that there should have been additional reviews. Mr. Seltzer said there should have been another parking and traffic review in addition to a review regarding the ongoing construction in the space.

Mr. Lau motioned to adjourn the meeting, Ms. Lau seconded, all voted in favor 5-0.

Meeting adjourned.

DRAFT