

**Arlington Redevelopment Board
Meeting Minutes
January 22, 2018, 7:30 PM
Senior Center, Main Room**

This meeting was recorded by ACMI.

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

STAFF: Jennifer Raitt, Director of Planning and Community Development/ Secretary Ex-Officio

Correspondence:

1. Email from Wynelle Evans, dated 1/21/2018
2. Email and Spreadsheet from Steve Revilak, dated 1/21/2018
3. Email from John Belskis, dated 1/22/2018
4. Email from Jo Anne Preston, dated 1/22/2018
5. Email from Christian Klein, dated 1/22/2018 1:36 a.m.
6. Email from Christian Klein, dated 1/22/2018 10:32 a.m.

The Chair moved to the first item on the agenda, Public Hearing – Special Town Meeting, Article 2, Zoning Bylaw Amendment/ Recodification about proposed amendments to the zoning bylaw. The January 10, 2018 meeting was continued to allow time for staff and the Zoning Recodification Working group (ZRWG) to review all comments received and make necessary changes to prepare the Proposed Zoning Bylaw for Special Town Meeting.

Since the last meeting, Ms. Raitt reported that the ZRWG met with two members from a group of residents known as the “Citizens Group” on Friday, January 12, 2018 and addressed concerns including but not limited to: substantive changes, typographical errors, and content inadvertently removed. As a result, additional track changes were added to the Draft Proposed Zoning Bylaw and provided to the Board for this evening. An updated “Citizens Guide” provided by Wynelle Evans and an analysis of the Citizen’s Guide provided by Steve Revilak were also received. The Chair invited Mr. Revilak and any other member of the ZRWG to review his analysis line by line:

- Steve Revilak, 111 Sunnyside Avenue, Town Meeting Member, Member of the Zoning Recodification Working Group, reviewed the document for the Board and audience. The following sections of the Zoning Bylaw were addressed:

Current ZBL Section	New ZBL Section	Citizen Comment	Working Group Member Comment	Suggested Action	Board Comment
3.03	4.2	The comment has to view with a statement in the guide: "Section 4.2 also states that amendments to these maps are made in the same manner as any other amendments to the bylaw." Citizen comment states they don't see this language in 4.2	Section 4.2 states "Zoning districts are shown on a map entitled "Zoning Map of the Town of Arlington, MA" and dated May 19, 2015 (the Zoning Map) on file in the Office of the Town Clerk and the Department of Planning and Community Development. The district boundaries shown on the Zoning Map, including an overlay map entitled "Wetland and Floodplain Overlay" are part of this bylaw. "Which is to say "the map is part of the bylaw"? To my mind, if the map is part of the bylaw then the map has to be amended in the same manner as the rest of the bylaw (unless there's an explicit provision to the contrary, such as the last section in 1.4.	N/A	Agreed

Current ZBL Section	New ZBL Section	Citizen Comment	Working Group Member Comment	Suggested Action	Board Comment
3.02	5.6.1	Mixed use development is allowed in this district without residential space "by Special Permit" deleted "by Special Permit" in last sentence.	In the tables of use, all occurrences of "mixed-use" are marked as SP. I don't believe the removal of "by Special Permit" from 5.6.1 makes any difference.	N/A	Agreed
3.05	4.2.1	Missing the word "rapid" from the phrase ", "rapid transit right-of-way"	"Rapid" is indeed missing. On one level, I think this is moot point, as there are no rapid transit (e.g subway) lines in Arlington. It might make a difference if, say, a district boundary were to follow the minuteman bikeway. (The minuteman might be considered a transit right of way, but it's not a rapid transit right of way)	Restore the word "rapid" in "rapid transit right of way"	Disagree/ The word rapid should not be restored.
5.04	5.4.3	Missing footnote "a" from table of uses.	The footnote states "Projects with six or more residential units ... are subject to the Affordable Housing requirements in Section 11.08." The footnote is informative, but contains no policy. The affordable housing requirement "six or more units" appears in recodification section 8.2.2	N/A	Agreed
5.04	5.4.3	Missing footnote "b" from table of uses.	Footnote "b" applies to "single family detached dwellings" and states "One exception is made for attached single-family dwellings on Sunnyside Avenue, Gardner Street, Silk Street, Marrigan Street, and Fremont Street. Attached single-family dwellings existing in August, 1975, on these streets are permitted as a right." I don't see this use exception in the 1/17/2018 draft	Suggest adding this language as 5.4.2(C)	Agreed
5.04	5.4.3	Missing footnote "c" from table of uses	Footnote C states "In the R0, R1 and R2 districts no new facilities under use 2.04 shall be constructed except at sites whereon these facilities existed as of August, 1975. These existing facilities may be reconstructed to meet code requirements in accordance with a special permit under Sections 10.11 and 11.0", where use 2.04 is "Licensed Nursing home, rest home, convalescent home"	Add footnote to 5.4.2(C), applying to use "Nursing home, rest home, convalescent home"	Agreed
5.04	5.4.3	Missing footnote "d" from table of uses	Footnote "d" states "Mixed-use in Industrial Zones shall not include residential uses."	Add footnote to table of uses in section 5.6.3 (which gives uses for I districts)	Agreed

Current ZBL Section	New ZBL Section	Citizen Comment	Working Group Member Comment	Suggested Action	Board Comment
5.04	5.4.3	Use 6.22a missing	<p>Agreed, it's missing from the table of R district use regulations</p> <p>Use 6.22a is "Professional, business, medical and dental offices in an existing building originally designed for single or two- family residential use provided the building retains its characteristic design and fronts on a street with a right-of-way width of less than 50 feet"</p>	Add as a row in the "Office Uses" section in 5.4.3. We cover the case of ≥ 50 right of way, but not < 50 foot right of way	Agreed
5.04	5.5.4	Use 6.22a missing	Was added to B district table of uses. Appears as the last row under "Office Uses"	N/A	Agreed
5.04	5.6.3	Use 6.22a missing	Use 6.22a is in the table of uses for PUD, I, etc. districts. It appears as "In an existing building originally designed for single- or two- family residential use, if the building retains its residential appearance and is on a street with ROW width less than 50 ft		Add it back.
5.04	5.4.3	Use 8.07 missing	<p>Agreed, it's missing</p> <p>Use 8.07 is "Office within his place of residence of a physician (M.D.), with up to (1) nonresident employee, or clergyman".</p>	Add as a row in "Office uses" for "Physician or Clergy office within a residence with up to 1 nonresident employee"	Agreed
5.04	5.5.3	"Group home" added, "rehabilitation residence" removed.	<p>Based on the definitions of "Rehabilitation residence" in the current ZBL and "group home" in the recodification, I believe that Rehabilitation residence would fall under the category of "group home".</p> <p>Dover amendment language "laws or land-use requirements on congregate living arrangements among non-related persons with disabilities that are not imposed on families and groups of similar size or other unrelated persons shall constitute discrimination." is likely the reason why Group Home use is allowed in all districts.</p>	N/A	Agreed

Current ZBL Section	New ZBL Section	Citizen Comment	Working Group Member Comment	Suggested Action	Board Comment
5.04	5.5.3	"Dormitory, SP in all B districts, appears to be a new item"	Dormitory is use 1.06 in current ZBL, and is not permitted in any B district. I think this is an editing error, where the "Y" is intended to apply to dormitories used for educational or religious purposes. A small change to the use name should resolve this.	Change "dormitory" to "dormitory, used for religious or educational purposes" and leave as Y in all districts	Agreed
5.04	5.5.3	Item 4.06, US Post Office missing. If falls under 5.2 permitted federal bldgs., then OK, otherwise still a question	Section 5.2.1(A) states that federal government use is allowed in all districts. I think that would cover a post office.	N/A	Agreed
5.04	5.5.3	Municipal radio or television studio, SP B2, appears to be new. Still a question	This is a typographical error. "Municipal radio or television studio or receiving facility licensed by the Town and under Town jurisdiction" corresponds to use 5.04a in current ZBL. Should be SP in R2, not B2. We have the correct SP in R2; but the B2 SP is wrong	Remove Municipal radio or television studio or receiving facility licensed by the Town and under Town jurisdiction from the use table in 5.5.3	Agreed
5.04	5.5.3	Conservation Land now Yes all districts, not just OS. Still a question	Was this done for legal compliance? I can't find anything in current ZBL that would imply conservation land should be allowed in all districts.		Yes. This was done for legal compliance.
5.04	5.6.3	Mixed Use (under light industry) needs to add footnote D	Already addressed in line 10 of this spreadsheet	Add footnote to table of uses in section 5.6.3 (which gives uses for I districts)	Agreed

Current ZBL Section	New ZBL Section	Citizen Comment	Working Group Member Comment	Suggested Action	Board Comment
5.04	5.6.3	Accessory structure not used as part of business – SP for T district added	This is a mistake.	Remove "SP" from "T" district in line "Accessory structure not used as part of business"	Agreed
5.04	5.6.3	Home occupation footnote C should reference Sec. 5.9, not 5.8. Footnote NA?	Home occupation is allowed in MU (per use 8.06), but NOT if customers or pupils come to the house for business or instruction (per use 8.06a). The MU column should have a footnote (and it does), but the text of the footnote was deleted.	Add footnote C to use table in 5.6.3, stating "If customers or pupils do not come to the house for business or instruction. Alternatively, break this into two rows, to accommodate the difference between uses 8.06 and 8.06a	Disagree. A footnote is not needed.
6	5.4.2	Changes "other permitted structure: from 2.5 to "3 – 2.5" stories;	I believe the comment is referring to the R4 district. I don't see this error. The "Other permitted structure" line for R4 was corrected to read 2.5 stories, which matches current ZBL.	N/A	Agreed
6	5.4.2	Adds "detached accessory structure" < and > than 80 sq. ft.	This comes from current ZBL section 6.18 "Setback of Accessory buildings and other structures".	N/A	Agreed
6	5.4.2	R5 FAR combines all residential structures;	All R5 principal structures in R5 have a FAR maximum of 0.80. Since they all have the same FAR restriction, only one row is necessary.	N/A	Agreed
6	5.4.2	R6 FAR added – Accessory Bldgs and Garage Structures with setbacks F20', S10', R10'	The FAR column for accessory buildings in R6 contains no values (i.e., no restriction). This is consistent with section 6.18 from the current ZBL.	N/A	Agreed

Current ZBL Section	New ZBL Section	Citizen Comment	Working Group Member Comment	Suggested Action	Board Comment
6	5.4.2	R7 FAR added - Under R7 Accessory Bldgs and Garage Structures with setbacks F none, S20', R20'. This is still unchanged Now missing (?).	I don't quite understand the comment. The FAR of 1.50 for principal structures in R7 matches the current ZBL. Perhaps the comment is saying "The specifications for detached accessory structure < 80 ft, >= 80 feet" are missing.	Perhaps add two rows for accessory structures under R7 in the max building height, FAR table?	Agreed
6	5.5.2	B2, Open Space row for Mixed Use >20,000 sq. ft. is missing	Mixed use in B2 has the same open space requirements, regardless of lot size.	N/A	Agreed
6	5.5.2	B3 mixed use useable open space was defined in footnote H, now supposedly in 5.3.20 but this only defines max. ht. exceptions?	Footnote H states "Open space requirements for residential uses (computed from their floor area only) shall be 10 percent landscaped and 20 percent usable in the B1, B2, B2A, B3, and B4 districts, and 15 percent usable in the B5 district." This language appears in 5.3.21(D).	N/A	Agreed
6	5.5.2	Front, side, rear was 0, 10+(L/10), 5, now 0, 0, 10+(L/10).	I believe the commenter misread the table in the current ZBL, which is understandable given the wonky alignment. Front side and rear are 0, 0, and 10+(L/10). 5 applies to building height in stories, and 60 applies to building height in feet. Examine the current ZBL row for mixed use in B4. Does the value "60" refer to building height in feet, or building height in stories?	N/A	Agreed
6	5.5.2	B5 Mixed Use rear was 10+(L/10), now (H+L)/6	See previous comment. The alignment for B5 mixed use in the current ZBL is wonky.	N/A	Agreed
6.18	5.4.2	R7 was 20' front and 10' side and rear, now expressed as 15+(H/10) and (H+L)/6 > 20'	I don't understand this comment. Current ZBL specifies (for R7 principal structures) front side and rear yards of 15+(H/10), (H+L)/6 at least 20', and (H+L)/6 at least 20'. This matches "Any permitted principal structure" for R7 in the recodification. Recodification states that Accessory structures in R7 have front, side, rear yard setbacks of "(missing), 20, 20". Per 6.18, these should be 20,10,10	Correct front/side/rear yard for accessory structures in R7. Per 6.18, should be 20' front, 10' side, and 10' rear	Agreed

Following Mr. Revilak's comments, JoAnne Preston, 42 Mystic Lake Drive, a member of the Webcowet Neighborhood Preservation Group, asked if the Redevelopment Board should be voting on a matter that the ZRWG itself had not recommended and asked if the document was ready for Town Meeting. Mr. Bunnell responded that the Draft Proposed Zoning Bylaw being voted on was a product of staff and the ZRWG's collaboration and that the document previously reviewed was provided by one member of that group. Mr. Revilak was not representing the ZRWG. The ZRWG does not need to further review comments at this time.

The Chair invited Wynelle Evans, 20 Orchard Place to the podium to discuss comments received from the Citizen's Group. Ms. Evans stated that 40 percent of the identified issues still remained unaddressed and said that the document was not ready for Town Meeting. Mr. Bunnell asked Ms. Evans to explain the remaining issues. Ms. Evans responded that the remaining issues were a mix of smaller problems and substantive concerns.

The Chair opened the floor for final public comment.

- Chris Loreti, 56 Adams Street, cited a number of unresolved issues, primarily with regard to the wording of definitions, and asked the Board to consider no action.
- John Worden, 27 Jason Street, Town Meeting Member, felt that the entire Zoning Recodification process was rushed. He expressed further concern regarding the removal of language in the existing Zoning Bylaw which requires the Zoning Board of Appeals (ZBA) to hear testimony provided under oath in regard to Comprehensive Permits.

Mr. Bunnell asked Ms. Raitt to respond. Ms. Raitt responded by stating that the language was removed from the Bylaw as the ZBA intends to include it in their administrative rules. However, she did not see an issue with adding it back into the bylaw if decided by the Board.

- Christian Klein, 54 Newport Street, Town Meeting Member, ZBA, and a ZRWG member felt the many issues that the Citizens Group brought forward have been addressed and felt that those issues reflect differences of opinion.
- Marshall Audin, 63 Winchester Rd. agreed with the ZBA administrative rules as long as the rules are made public.
- Nancy Flynn-Barvik, a ZRWG member, wanted to clarify an earlier statement regarding Section 606.A in the existing Zoning Bylaw.

Ms. Raitt read aloud comments received from Ralph Willmer and Christian Klein that included recommended changes to definitions.

No further comment was made. The Chair closed public comment.

The Chair asked the Board for comments. Mr. Benson stated that with the incorporation of Mr. Revilak and Mr. Klein's changes, as well as adding back the 40B language under section 3.2.3 provisions under oath, that the Proposed Zoning Bylaw is ready for Town Meeting. The Chair concurred. The Chair explained that a vote to approve, accept and incorporate the changes from Mr. Revilak and Mr. Klein as well as adding back the 40B provision under section 3.2.3 and to move the Warrant Article to Special Town Meeting would be needed.

Mr. Benson motioned to move Article 2, Zoning Bylaw Amendment/ Recodification, as amended with all changes discussed and incorporated, to Special Town Meeting. Mr. Lau seconded. All voted in favor. (5-0)

The Chair moved to the next item on the agenda Annual Town Meeting Warrant Article. Mr. Bunnell sought a vote of no action stating if the Article fails at this Special Town Meeting, then the Board can bring it back to a future Town Meeting.

Mr. Benson moved no action. Mr. West seconded. All voted in favor. (5-0)

The Chair moved to the next item on the agenda, Central School Lease of Space amendments. Ms. Raitt explained the lease for Schools for Children will be expiring on June 30, 2018 and that the ARB/ Town is unable to extend their lease. Additionally, the space will be likely needed in the future for tenant relocation during the Senior Center construction process. Ms. Raitt sought approval to issue a RFP for a maximum 18 month lease term. Ms. Raitt also updated the Board on the agreement with the Arlington Center for the Arts (ACA), who will begin construction this winter. She stated that an extension is needed on the agreement for ACA to utilize conference and meeting room space for another six months.

Mr. Benson moved to approve the RFP terms and ACA agreement extension. Mr. West seconded. All voted in favor. (5-0)

Meeting adjourned.