



Town of Arlington

ARLINGTON REDEVELOPMENT BOARD

DRAFT Zoning Bylaw Amendments for 2023 Annual Town Meeting

Rachel Zsembery, Chair

Kin Lau, Vice Chair

Eugene Benson

Stephen Revilak

Claire Ricker

Secretary Ex-Officio

Director of Planning and Community Development

Voted as amended _____

Introduction and Overview

The Arlington Redevelopment Board (ARB) is the Town's Planning Board, under M.G.L. Chapter 41 § 81. There are five members of the Board. Four are appointed by the Town Manager and the fifth is a gubernatorial designee appointed by the Massachusetts Department of Housing and Community Development. The Board serves as the Town's special permit granting authority for projects which require an Environmental Design Review (EDR) as identified in the Zoning Bylaw. The ARB is also the Town's Urban Renewal Authority under M.G.L. Chapter 121; with Town Meeting approval, the Board may hold property to improve and rehabilitate them to meet community development goals.

The members of the ARB are as follows:

Rachael Zsembery, Chair (Term through 6/30/2023)

Kin Lau, Vice Chair (Term through 1/31/2022)

Eugene Benson (Term through 1/31/2023)

Stephen Revilak (Term through 9/22/2023)

Claire Ricker, AICP, Director of the Department of Planning and Community Development, serves as Secretary Ex-Officio to the ARB.

Zoning Articles Overview

The ARB review process for 2023 Annual Town Meeting began in January with the close of the Warrant and will culminate after Town Meeting with a submission by the Town Clerk of any approved zoning amendments to the Attorney General. A detailed description of the submission, review process, and schedule is posted on the [ARB website](#).

When any warrant article proposes to amend the "Town of Arlington Zoning Bylaw," the ARB is required to issue a report with recommendations to Town Meeting. Appearing below are articles that propose to amend the Zoning Bylaw and Zoning Map. This report includes a brief discussion of the intent of each proposed amendment followed by a recommended vote of the ARB. The ARB's vote constitutes its recommendation to Town Meeting. The recommendations of the ARB, and not the original warrant articles, are the actual motions that will be considered by the Town Meeting. An ARB vote of "No Action" means that Town Meeting will be asked to vote that no action be taken on the proposed warrant article. Changes to the Zoning Bylaw text are shown beneath the recommended votes. Additions to the original Zoning Bylaw text appear as underlined text, while any deletions to the original Zoning Bylaw text appear as strike through text.

The ARB advertisement for the public hearings on the Warrant Articles proposed to amend the Zoning Bylaw appeared in the *Arlington Advocate* as required on February 16 and February 23, 2023. In accordance with the provisions of the Arlington Zoning Bylaw and Massachusetts General Laws Chapter 40A, the ARB held public hearings and heard public comments remotely on Zoom on the proposed amendments on Monday, March 6, 2023 and Monday, March 13, 2023. The ARB voted _____ on recommended bylaw language at their meeting on March 27, 2023. The ARB voted _____ on this report as amended at their meeting on April __, 2023.

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Summary of Recommended Votes of the Redevelopment Board

Article No.	Date of ARB Hearing	Recommendation to Town Meeting
Article 26	March 6, 2023	
Article 27	March 6, 2023	
Article 28	March 6, 2023	
Article 29	March 13, 2023	
Article 30	March 13, 2023	
Article 31	March 6, 2023	
Article 32	March 13, 2023	

Zoning Bylaw Amendments: Industrial District Development Standards

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE 26 ZONING BYLAW AMENDMENT/ INDUSTRIAL DISTRICT DEVELOPMENT STANDARDS

To see if the Town will vote to amend the Zoning Bylaw to update Section 5.6.2 DEVELOPMENT STANDARDS to establish the design storm or other criteria that must be met for stormwater retention and treatment to receive an exception to maximum height regulations in the Industrial District; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

Discussion:

tktktktktk

VOTED: (/)

That... (no action be taken under Article 26 / the Zoning Bylaw be and hereby is amended as follows:)

Amend SECTION 5.6.2:

(D)(7) Development Standards, Exceptions to Maximum Height Regulations in the Industrial District

For new development or additions that would otherwise be subject to Section 5.3.19, heights over 39 feet or three stories are allowed subject to the following development standards:

- Demonstrate that new buildings or additions shall allow for full sun at least half the time or 50% sun coverage all the time on March 21, June 21, September 21, and December 21 on the lots within the required residential buffer as defined in Section 5.3.19. The Redevelopment Board or Board of Appeals, as applicable, shall find that any shadow on abutters with existing solar panels would be negligible to allow the higher height limit.
- Provide one (1) of the following sustainable roof infrastructure components. In the case of a building that is solar ready per Section 5.6.2.D(1), the component should cover the remaining roof area where appropriate:
 - Install a vegetated or green roof over 50% of the roof area.
 - Use diffuse, highly reflective materials on 75% of the roof area.
 - Install solar energy panels tied to the electrical system of the building. For new commercial or mixed-use building, provide solar PV and/or solar thermal on a minimum of 50 percent of the roof area.
 - Provide 100% highly reflective concrete topping.
 - Install a blue roof over 50% of the roof area to provide initial temporary water storage and then gradual release of stored water.
- ~~Retain and treat 100% of stormwater on site. Demonstrate that the proposed activity will not result in stormwater runoff or discharge from the site during storm events, based on the best currently available rainfall data (the upper bound of 90% confidence interval of the 100-year storm) defined in NOAA Atlas 14, Volume 10, or its successor. All infiltration Best Management Practices (BMPs) must be able to drain fully within 72 hours.~~

Zoning Bylaw Amendments: Industrial District Development Standards

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

Remove stormwater pollution to the maximum extent possible, at minimum 90% of Total Suspended Solids (TSS) and 60% of Total Phosphorus. A minimum TSS removal prior to discharge to an infiltration BMP(s) must comply with the Massachusetts Department of Environmental Protection Stormwater Policy as amended from time to time.

Zoning Bylaw Amendment: Solar Bylaw in Industrial Districts

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE 27

ZONING BYLAW AMENDMENT/ SOLAR BYLAW IN INDUSTRIAL DISTRICTS

To see if the Town will vote to amend the Zoning Bylaw to update Section 5.6.2 DEVELOPMENT STANDARDS to reflect the inclusion of Section 6.4 SOLAR ENERGY SYSTEMS; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

Discussion:

tktktktktk

VOTED: (/)

That... (no action be taken under Article 27 / the Zoning Bylaw be and hereby is amended as follows:)

Amend Section 5.6.2:

5.6.2(D)(1) Development Standards, Renewable Energy Installations

D. Development Standards. In the Industrial District, the following requirements apply to all new development or additions over 50% of the existing footprint:

(1) Renewable Energy Installations

- The Redevelopment Board may, by special permit, allow adjustments to the height and setbacks in order to accommodate the installation of solar photovoltaic, solar thermal, living and other eco-roofs, energy storage, and air-source heat pump equipment. Such adjustments shall not create a significant detriment to abutters in terms of noise or shadow and must be appropriately integrated into the architecture of the building and the layout of the site, consistent with the other requirements of this section.
- All new commercial and mixed-use buildings subject to Environmental design review shall be solar ready comply with Section 6.4, Solar Energy Systems. All new commercial buildings not subject to Environmental Design review shall be solar ready, to the extent feasible.
- If not subject to Environmental Design Review, aAdditions over 50% of the footprint of existing buildings shall be solar ready to the extent feasible.

5.6.2(D)(7) Development Standards, Exceptions to Maximum Height Regulations in the Industrial District

For new development or additions that would otherwise be subject to Section 5.3.19, heights over 39 feet or three stories are allowed subject to the following development standards:

- Demonstrate that new buildings or additions shall allow for full sun at least half the time or 50% sun coverage all the time on March 21, June 21, September 21, and December 21 on the lots within the required residential buffer as defined in Section 5.3.19. The Redevelopment Board or

Zoning Bylaw Amendment: Solar Bylaw in Industrial Districts

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

Board of Appeals, as applicable, shall find that any shadow on abutters with existing solar panels would be negligible to allow the higher height limit.

- Provide one (1) of the following sustainable roof infrastructure components. Projects requiring Environmental Design Review are subject to section 6.4, Solar Energy Systems, and must therefore provide one additional component. In the case of a building that is solar ready per Section 5.6.2.D(1), the component should cover the remaining roof area where appropriate:
 - Install a vegetated or green roof over 50% of the roof area, or the portion of the roof without a solar energy system, whichever is less.
 - Use diffuse, highly reflective materials on ~~75%~~ a significant proportion of the roof area that does not include solar.
 - ~~Install solar energy panels tied to the electrical system of the building. For new commercial or mixed-use building, provide solar PV and/or solar thermal on a minimum of 50 percent of the roof area.~~
 - Provide 100% highly reflective concrete topping on a significant portion of the roof area without a solar energy system.
 - Install a blue roof on a significant portion of the roof area without a solar energy system ~~over 50% of the roof area~~ to provide initial temporary water storage and then gradual release of stored water.
 - Retain and treat 100% of stormwater on site.

Zoning Bylaw Amendment: Building Inspector, Enforcement

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE 28 ZONING BYLAW AMENDMENT/ BUILDING INSPECTOR, ENFORCEMENT

To see if the Town will vote to amend the Zoning Bylaw to update Section 3.1(B) BUILDING INSPECTOR; ENFORCEMENT to remove a section that was deemed unenforceable by the Attorney General; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

Discussion:

tktktktktk

VOTED: (/)

That... (no action be taken under Article 28 / the Zoning Bylaw be and hereby is amended as follows:)

Amend Section 3.1:

- A. The Building Inspector appointed under the provisions of G.L. c. 143 is hereby designated and authorized as the officer charged with the administration and enforcement of this Bylaw.
- B. No person shall erect, construct, reconstruct, convert, or alter a structure, or change the use or lot coverage, increase the intensity of use, or extend or displace the use of any structure or lot without applying for and receiving the required permit(s) from the Building Inspector. ~~No such permit shall be issued until the Building Inspector finds that the applicant is in compliance with the applicable provisions of Title VI, Article 7 of the Town Bylaws².~~

²Per the Massachusetts Attorney General decision on zoning amendments approve by 2020 Special Town Meeting, Subsection 3.1(B) cannot be applied to authorize the withholding of a building permit for failure to comply with general bylaw requirements. See <https://www.arlingtonma.gov/home/showdocument?id=63690&t=638097422294281171> for the full text.

Zoning Bylaw Amendments: Downtown Business Parking Minimums

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE 29 ZONING BYLAW AMENDMENT/ DOWNTOWN BUSINESS PARKING MINIMUMS

To see if the Town will vote to amend the Zoning Bylaw to completely remove the minimum parking requirements for all non-residential uses in the B5 District; or take any action related thereto.

(Inserted at the request of James Fleming and 10 registered voters)

Discussion:

tktktktktk

VOTED: (/)

That... (no action be taken under Article 29 / the Zoning Bylaw be and hereby is amended as follows:)

By making the following changes to Section 6.1 of the Zoning Bylaw ("Site Development Standards", "Off-Street Parking"):

Amend Section 6.1.2: Applicability:

6.1.2. Applicability

- A. No land, building, or structure shall be used or changed to a category of greater parking demand, determined in accordance with the Table of Off-Street Parking Regulations below, except in accordance with this Section 6.1.
- B. Non-residential uses in the B5 District shall not be required to provide off-street parking; for any development, or change of use to a category of greater parking demand, the applicant may substitute space within public parking lots in lieu of parking requirements provided they are located within 1,000 feet of the building to be served, or shall provide a Transportation Demand Management plan as described in Section 6.1.5(C), to be administratively reviewed by the Department of Planning and Community Development.

Amend Section 6.1.5(C):

- C. Transportation Demand Management (TDM): Any request for parking reduction must include a plan to reduce demand for parking. TDM provides incentives to reduce the use of Single Occupant Vehicles and encourages the use of public transit, bicycling, walking, and ridesharing. All projects requesting a parking reduction must employ at least three TDM methods described below:
 - (1) Charge for parking on-site;
 - (2) Pay a stipend to workers or residents without cars;
 - (3) Provide preferential parking for carpooling vehicles;
 - (4) Provide a guaranteed emergency ride home;
 - (5) Provide transit pass subsidies;
 - (6) Provide covered bicycle parking and storage, if otherwise not required;

Zoning Bylaw Amendments: Downtown Business Parking Minimums

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

- (7) Provide bicycle or car sharing on site;
- (8) Provide showers for business or industrial uses;
- (9) Other means acceptable to the applicable Special Permit Granting Authority.

When the applicable Special Permit Granting Authority determines that a business in a Business District other than B5 has no ability to create new parking onsite and that there is adequate nearby on-street parking or municipal parking, it may reduce to less than 25 percent or eliminate the amount of parking required in the Table of Off-Street Parking Regulations. In those circumstances, the applicable Special Permit Granting Authority may require the applicant to incorporate methods set forth in subparagraphs A., B., and C. of this section. The reductions described in this paragraph do not apply to residential use classes identified in Section 5.5.3. and are in addition to the exemption from the parking requirements for the first 3,000 square feet of non-residential space in a mixed-use development as set forth in Section 6.1.10.C.

Zoning Bylaw Amendments: One- and Two-Family Usable Open Space

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE 30 ZONING BYLAW AMENDMENT / ONE- AND TWO-FAMILY USABLE OPEN SPACE

To see if the Town will vote to amend the Zoning Bylaw to completely remove the usable open space requirement for one- and two-family uses; or take any action related thereto.

(Inserted at the request of James Fleming and 10 registered voters)

Discussion:

tktktktktk

VOTED: (/)

That... (no action be taken under Article 30 / the Zoning Bylaw be and hereby is amended as follows:)

Amend Section 5.4.2(A): Tables of Dimensional and Density Regulations:

Minimum/Maximum Requirements				
District	Use	Landscaped Open Space (Min.)	Usable Open Space (Min.)	Maximum Lot Coverage
R0				
	Permitted residential structure	10%	30%	35%
R1, R2				
	Permitted residential structure	10%	30%	35%
R3				
	<u>Single-family detached dwelling,</u> <u>two-family dwelling, duplex dwelling,</u>	<u>10%</u>	-----	-----
	Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling; or other permitted structure except townhouse	10%	30%	
R4				
	<u>Single-family detached dwelling,</u> <u>two-family dwelling, duplex dwelling,</u>	<u>10%</u>	-----	<u>35%</u>
	Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	10%	30%	35%

Zoning Bylaw Amendments: One- and Two-Family Usable Open Space

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

	Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	10%	30%	----
	<u>Three-family dwelling</u> , Townhouse, apartment building	10%	30%	----
R6				
	<u>Single or two-family dwelling,</u> <u>duplex dwelling</u>	<u>10%</u>	----	----
	Single or two-family dwelling, duplex dwelling, three-family dwelling	10%	25%	----
R7				
	<u>Single or two-family dwelling,</u> <u>duplex dwelling</u>	<u>10%</u>	----	----
	Any <u>other</u> permitted principal structure	10%	15%	----

Amend Section 5.5.2(A): Tables of Dimensional and Density Regulations:

Minimum/Maximum Requirements				
District	Use	Landscaped Open Space (Min.)	Usable Open Space (Min.)	Maximum Lot Coverage
B1				
	<u>Single-family detached dwelling,</u> <u>two-family dwelling, duplex dwelling,</u>	<u>10%</u>	----	----
	Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	10%	30%	----
B2				
	<u>Single-family detached dwelling,</u> <u>two-family dwelling, duplex dwelling,</u>	<u>10%</u>	----	----

Zoning Bylaw Amendments: One- and Two-Family Usable Open Space

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

	Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	10%	30%	-----
B3				
	<u>Single-family detached dwelling, two-family dwelling, duplex dwelling,</u>	<u>10%</u>	<u>-----</u>	<u>-----</u>
	Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	10%	30%	-----
B4				
	<u>Single-family detached dwelling, two-family dwelling, duplex dwelling,</u>	<u>10%</u>	<u>-----</u>	<u>-----</u>
	Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	10%	30%	-----
B5				
	<u>Single-family detached dwelling, two-family dwelling, duplex dwelling,</u>	<u>10%</u>	<u>-----</u>	<u>-----</u>
	Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	10%	30%	-----

Minimum/Maximum Requirements			
District Use	Landscaped Open Space (Min.)	Usable Open Space (Min.)	Maximum Lot Coverage
R0			

Zoning Bylaw Amendments: One- and Two-Family Usable Open Space

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

Permitted residential structure	10%	30%	35%
R1, R2			
Permitted residential structure	10%	30%	35%

Zoning Bylaw Amendments: Industrial District Animal Daycare Use

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE 31

ZONING BYLAW AMENDMENT / INDUSTRIAL DISTRICT ANIMAL DAYCARE USE

To see if the Town will vote to amend the Zoning Bylaw to update Section 5.6.3 USE REGULATIONS FOR MU, PUD, I, T, and OS DISTRICTS, to allow animal daycare; or take any action related thereto.

(Inserted at the request of Kristin Anderson and 10 registered voters)

Discussion:

tktktktktk

VOTED:

(/)

That... (no action be taken under Article 31 / the Zoning Bylaw be and hereby is amended as follows:)

Amend SECTION 5.6.3:

By adding the letter “Y” to the “Use Regulations for MU, PUD, IT, T, and OS Districts” table in Section 5.6.3,m in the row labeled “Veterinary and animal care; accessory overnight boarding only for veterinary/medical care in an enclosed building” under the column labeled “I”; so that last row under “Personal, Consumer, and Business Services” in the table reads as follows:

5.6.3 Use Regulations for MU, PUD, I, T, and OS Districts

Class of Use	MU	PUD	I	T	OS
Personal, Consumer, and Business Services					
Veterinary and animal care; accessory overnight boarding only for veterinary/medical care in an enclosed building		Y	<u>Y</u>		

Zoning Bylaw Amendments: Build Affordable Housing Everywhere

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE 32 ZONING BYLAW AMENDMENT / BUILD AFFORDABLE HOUSING EVERYWHERE

To see if the Town will vote to amend the Zoning Bylaw so developments of 100% affordable housing may be built by right in all zones, with lower requirements as well; or take any action related thereto.

(Inserted at the request of Thomas J. Perkins and 10 registered voters)

Discussion:

The petitioner requested to withdraw the proposal via email to staff on March 21, 2023. As such, the ARB did not discuss this article.

VOTED: **(/)**

That... (no action be taken under Article 32 / the Zoning Bylaw be and hereby is amended as follows:)