

September 6, 2023

To: Planning & Community Development Director Claire Ricker  
 The Arlington Redevelopment Board &  
 The Arlington MBTA Communities Working Group &  
 The Arlington Department of Planning and Community Development;  
 730 Mass Ave. Annex; Arlington, MA 02476

Re: Arlington's MBTA-C WG's Final Report and proposed Zoning Bylaw Amendment  
 to The Arlington Redevelopment Board and the State for pre-adoption review.

I see no convincing reason to submit an MBTA District Compliance application to the Executive Office of Housing and Livable Communities (EOHLC) allowing a building by-right capacity for Arlington that far exceeds the required 2046 DUs to comply with State Law.\*

**The Town of Arlington can create and revise its own zoning ByLaws to increase capacity in tandem with MBTA overlay districts to fulfill our housing choice and sustainability goals.**

I do support the concept of creating sub-districts throughout the main transit arteries of Arlington, broadening the multi-family zoning to various neighborhoods. If spreading the sub-districts more widely makes the zoning changes more equitable, resulting in a plan that supports more than the required capacity, I can support a proposal that models **roughly twice the required capacity, but no more.**

I support Arlington's aim to submit an application to EOHLC this fall, one with a measured approach to up-zoning by-right that can pass a vote by Town Meeting this October. I see the importance of remaining eligible for important state grants; participation in the State's pilot fossil fuel ban program; funding from the Mass Works infrastructure project program; advancement of the Town's Net Zero Action Plan goals and Housing Choice; but **I strongly object to giving the State an application that takes away the Town's ability to control such a large percentage of growth in the central spine of our town, unnecessarily.**

Separate from MBTA Communities requirements

- Arlington can zone for mixed-use development on the transit corridors.
- Arlington can zone for "Missing Middle" zoning along minor collector streets in walkable residential neighborhoods.
- Arlington can zone for affordable housing at the Town's 15% ratio.
- Arlington can zone in keeping with the character of a small low-rise & residential neighborhoods that foster community without sacrificing diversity, density, affordability, open-space, tree-canopy, and flexibility.

On its own terms, Arlington can meet and exceed the requirements of MGL c. 40A § 3A. Community feedback has repeatedly made clear that our town is not a city and we do not need to relinquish control of so much potentially predatory development and push out those of us who live here, now.

**Arlington can meet the MBTA required capacity with 4 story buildings on Mass Ave and Broadway and 3 story maximum multi-family structures on the feeder streets.**

Arlington can meet the MBTA required capacity with 4 story buildings on Mass Ave and Broadway and 3 story maximum multi-family structures on the feeder streets.

The proposed MBTA-C Alternatives have **building heights and stories are too high**, and not in keeping with the Town's character or our Zoning Bylaws. That error was made back in the 70's. Should the Town become more like a satellite city to Boston, Arlington can build higher in the future, but for the already existing structures the reverse is not possible.

**Bonus incentives** should allow a maximum of ONE additional story on either the Mass Ave and Broadway corridors (for mix-use; affordable units % > 15%, a courtyard configuration or additional landscaped open space) for a **maximum of 5 stories or 60 feet**, provided that the building does not fully shade adjacent solar panels, and that above the third floor, upper floors step back a minimum of 7.5' from a streetfront facade (per Section 5.3.17. of Arlington's current Zoning ByLaws.)

per Arlington's Zoning ByLaws Sec.5.5.2:

Mixed-use <= 20,000 sq. ft. **60'/5 sty; 50'/4 sty; 40'/3 sty.**

Mixed-use >20,000 sq. ft. **60'/5 sty; 50'/4 sty; 40'/3 sty.**

**B5** District > Townhouse or apartment building 75'--

(On a lot >= 40,000 sq. ft. On a lot >= 80,000 sq. ft. 75'--)

**(Sec. 5.4.2 - R4 districts Apt. conversion - 40'/3 sty)**

The MBTA-C proposed warrant article states that:

The height with all bonuses shall not exceed  
6 stories, **78 feet** in the MBMF on Massachusetts Avenue,  
5 stories, **65 feet** in the MBMF on Broadway, and  
4 stories, **46 feet** in the NMF.

The Town's economic feasibility study has not been submitted or approved by the State to allow for a 15% affordability ratio for Arlington's MBTA MF housing, yet the warrant article assumes that Arlington has qualified for such a requirement.

In any development containing six (6) or more dwelling units, at least 15% of the dwelling units shall be Affordable Units as defined in Section 2. DEFINITIONS, and shall conform to all of the affordable housing requirements in Section 8.2.3 Requirements, and Section 8.2.5 Administration, and must be eligible for inclusion on the EOHLC's Subsidized Housing Inventory.

I support incentivizing the creation of affordable housing beyond the State's 10% affordable units/DUs per project ratio, an increased tree canopy, and commercial development that is in scale with this suburban town, but the current proposal still gives away too much control to predatory development and as big a return on investment that the housing market can bear.

As a town which is served by the MBTA, Arlington is obligated to meet Section 3A; and, in partnership with the State, we strive to encourage walkability, MBTA ridership, multi-modal travel, and reduced reliance on passenger cars; however, ***we have a failing MBTA transit system which makes over-compliance a planning and development risk at this time*** - one that will be doubly hard to undo once Arlington submits a plan allowing a vast amount of mass-transit-dependant development.

As reflected at the 7/25/2023 public meeting, a significant number of Arlington residents do not support a 4 story NMF district, nor do they wish to cede control of more land and potential density than required by State Law. Nowhere in the Zoning Amendment do I find that the purpose of the article is to over-comply but rather to *"ensure compliance with MGL c. 40A § 3A."*

I ask that the ARB, the DCDP, and Town Meeting approve and submit a more moderate plan to EOHLC this year and have the MBTA and the State do their fair share to vastly improve service to the MBTA Communities. The guidelines for determining compliance are bound to be revised, so let Arlington not over-commit the Town to an evolving Zoning Act.

Mixed-use development and housing density can always be expanded in the future, under the Town's own control, in response to housing and market conditions.



Gina Sonder, Registered Architect  
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\*Proposed Capacity and Density per Alt 1 & 2 - summarized:

■ [Arlington MBTA-C Compliance Model Alternatives - Summary - Sheet1.pdf](#)

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Claire Ricker, Director of Planning and Community Development, [cricker@town.arlington.ma.us](mailto:cricker@town.arlington.ma.us)  
Members of the ARB: Benson; Lau; Revilak, Tintocalis, & Chair Zsembery

Comments for submission to the ARB Sept 11, 2023 Public Hearing Re: MBTA-C

**Draft Zoning Regulations**  
**MBTA Communities**  
**August 17, 2023**

**MOTION:**

That the Zoning Bylaw of the Town of Arlington, Chapter 5. DISTRICT REGULATIONS be amended by adding Section 9 Multi-Family Residential Overlay Districts under MGL Chapter 40 Section 3(A), renumbering existing Section 9, and amending the Zoning Map as follows, and further that non-substantive changes to the numbering of this bylaw be permitted to comply with the numbering format of the Zoning Bylaw of the Town of Arlington:

- 1) In SECTION 2 DEFINITION/s, add a new definition as follows:

**EXECUTIVE OFFICE OF HOUSING AND LIVABLE COMMUNITIES (EOHLC)**

The Massachusetts Executive Office of Housing and Livable Communities.

- 2) Add Section 5.9 Multi-Family Residential Overlay Districts under MGL Chapter 40 Section 3(A) as follows:

The Multi-Family Residential Districts under MGL Chapter 40 Section 3(A) consist of two districts, the **Mass Ave/Broadway Multi-Family (MBMF) and Neighborhood Multi-Family (NMF) Overlay Districts**. The purposes of the Multi-Family Residential Districts are:

1. To respond to the local and regional need for housing by enabling development of a variety of housing types,
2. To promote multi-family housing near retail services, offices, civic, and personal service uses;
3. To reduce dependency on automobiles by providing opportunities for upper-story and multi-family housing near public transportation such as the Alewife rapid transit station, bus stops, the Minuteman Commuter Bikeway, and major transportation routes;
4. To ensure pedestrian-friendly development by permitting higher density housing in areas that are walkable to public transportation, shopping, and local services;
5. To respond to the local and regional need for affordable housing by allowing for a variety of housing types with affordable housing requirements;
6. To encourage economic investment in the redevelopment of properties;
7. To encourage residential uses to provide a customer base for local businesses; and
8. To ensure compliance with MGL c. 40A § 3A;

3. **Overlay District.** The Mass Ave/Broadway Multi-Family (MBMF) and Neighborhood Multi Family (NMF) Overlay Districts shall not replace existing zoning districts but shall be superimposed over them. The provisions of this section apply to developments on lots located within the Mass Ave/Broadway Multi-Family and Neighborhood Multi Family Overlay Districts where the property owner has elected to comply with the requirements of the Mass Ave/Broadway Multi-Family or Neighborhood Multi Family Districts, rather than complying with those of the underlying zoning district. If a proposed project is located on parcels within both the Mass Ave/Broadway Multi-Family and the Neighborhood Multi-Family Districts, the provisions of the Mass Ave/Broadway Multi-Family District shall govern.

4. **Procedures and Regulations.** Development under this section requires Site Plan Review by the Arlington Redevelopment Board (ARB) acting in its role as the Planning Board and Special Permit

Granting Authority (SPGA) as under section 3.3.1 of this ZBL and the Town Manager Act of the Town of Arlington, Massachusetts. The ARB shall provide site plan review administratively for projects via the existing Environmental Design Review (EDR) standard and the Residential Design Guidelines for site layout including lighting, landscaping and buffers, architectural style, outdoor amenities and open spaces. All site plan review standards applicable to developments under this section shall be consistent with the purposes of this section and EOHLC’s current *Compliance Guidelines for Multi-family Zoning Districts Under Section 3A of the Zoning Act* as amended.

A. Site Plan Review

1. § 3.4.2 does not apply
2. § 3.4.3.D. and E. do not apply

B. Permitted Uses.

1. All developments under this section shall include multi-family housing.
2. Developments in MBMF District may also include nonresidential uses permitted in an underlying zoning district or in B2 districts, by right or by Special Permit. Non-residential uses are not permitted in the NMF District.
3. Accessory uses for residential uses are permitted to the same extent they would be permitted in the underlying district.

C. Dimensional controls. The dimensional controls are modified as follows for developments under this section:

1. § 5.3.1 Lot Area Per Dwelling Unit does not apply
2. § 5.3.3 Spacing of Residential and Other Buildings on One Lot does not apply.
3. § 5.3.8 Corner Lots and Through Lots does not apply.
4. §. 5.3.11 Dimensional Requirements for Courts does not apply.
5. § 5.3.12(A) Traffic Visibility Across Street Corners does not apply in the MBMF district.
6. § 5.3.14 Townhouse Structures does not apply
7. § 5.3.1.7 Upper-Story Building Step Backs are required on all street frontages. Step Backs shall be 7.5’ from the property line, starting on the fifth floor.
8. §5.3.19 Height Buffer Area shall not apply.
9. There shall be no requirements for minimum lot size, lot area per dwelling unit, lot frontage, landscaped or usable open space, Floor Area Ratio, or lot coverage.
10. The minimum required front yard is 15 feet, except that in the MBMF district where the ground floor façade facing the public way is occupied by nonresidential uses, no front yard is required. Minimum required front yard areas shall be available for uses such as trees, landscaping, benches, tables, chairs, play areas, public art, or similar features. Parking spaces are not permitted in the minimum required front yard.
11. § 5.3.10, Average Setback Exception to Minimum Front Yard: All R Districts, may be applied in the NMF Zone.
12. Except as noted below, in *Section a. Bonuses*, the dimensional regulations are as follows:

District	MBMF— Mass. Ave	MBMF-- Broadway	NMF
Max. Height Stories	4	4	4

Max. Height in Feet	52'	52'	46'
Front Setback	15'	15'	15'
Side Setback	5'	5'	10'
Rear Setback	20'	20'	20'

a. Bonuses

i. In the MBMF District, for properties abutting Massachusetts Avenue, where the ground floor at street level is at least 60% occupied by business uses, and the frontage is at least 80% occupied by business uses, the maximum height is 6 stories and 78', and the front yard setback requirement is reduced to 0'. In the MBMF District, for properties abutting Broadway, where the ground floor at street level is at least 60% occupied by business uses, and the frontage is at least 80% occupied by business uses, the maximum height is 5 stories and 65 feet, and the front yard setback requirement is reduced to 0'.

- i. In the MBMF District, one additional story may be added if the total percentage of affordable units exceeds the requirements in Section 8.2 Affordable Housing Requirements by 7.5%. In the MBMF district for properties facing Massachusetts Avenue, an additional story above that may be added if the development's total affordable housing units exceeds the required percentage by an additional 2.5%. All other provisions of Section 8.2 AFFORDABLE HOUSING REQUIREMENTS and Section 2 DEFINITIONS apply.
- i. In the MBMF District, one additional story is allowed for projects that are SITES certifiable, which encourages high quality design, construction and maintenance of outdoor spaces.
- ii. The height with all bonuses shall not exceed 6 stories, 78 feet in the MBMF on Massachusetts Avenue, 5 stories, 65 feet in the MBMF on Broadway, and 4 stories, 46 feet in the NMF.

C. Off-Street Parking and Bicycle Parking.

1. The minimum parking requirement for dwelling and rooming units is 0 parking spaces per unit, and the maximum parking allowed is one parking space per dwelling or rooming unit. For business uses, no off-street parking is required for the non-residential space.
2. Up to 50% of parking spaces may be sized for compact cars (8 feet by 16 feet, per Section 6.1.11 Parking and Loading Space Standards)
3. Bicycle parking requirements as set forth in Section 6.1.12 shall apply.
4. Developments under this section may provide fewer parking spaces under the provisions of S.6.1.5 Parking Reduction in Business, Industrial, and Multi-Family Residential Zones.
5. All other parking provisions in Section 6.1 OFF STREET PARKING shall apply.

D. Affordable Housing.

1. In any development containing six (6) or more dwelling units, at least 15% of the dwelling units shall be Affordable Units as defined in Section 2. DEFINITIONS, and shall conform to all of the affordable housing requirements in Section 8.2.3 Requirements, and Section 8.2.5 Administration, and must be eligible for inclusion on the EOHLIC's Subsidized Housing Inventory. Where a fraction of a dwelling unit is required for this calculation, the amount of required dwelling units shall be rounded up. At least 10% of the dwelling units in any development containing ten (10) or more units shall be Affordable Units conforming with Section 8.2 of the Zoning Bylaw, and eligible for inclusion on the Subsidized Housing Inventory. Bonuses as described in Section 5.9.14(a) shall be applicable over and above the allowed affordable housing percentage.

E. Amend the Zoning Map to add the following areas shown on maps on file with the Town Clerk to be known as MBMF and NMF Overlay Districts:

**MBTA Communities Working Group Compliance Model Proposals to ARB for 9-11-23 Review**

**Arlington MBTA-C Compliance Model Alternative No 1**

per recommendation of MBTA-C WG

**Summary Table**

<b>Data Metric</b>	<b>District 1</b>	<b>District 2</b>	<b>District 3</b>	<b>District 4</b>	<b>District 5</b>	<b>Totals</b>
District Name	Mass Ave/Broadway EAST	Mass Ave/Broadway HEIGHTS	Neighborhood MF EAST	Neighborhood MF HEIGHTS	Neighborhood MF HEIGHTS Extension	
District Acreage (see note)	26.9	13.7	15.2	45.7	8.5	<b>110</b>
District Density Denominator (see note)	26.9	13	15.2	45.7	8.5	<b>109.3</b>
<b>Final Unit Capacity per District</b>	<b>2,202</b>	<b>1,168</b>	<b>872</b>	<b>2,569</b>	<b>457</b>	<b>7,268</b>
<b>DU/AC</b>	<b>81.9</b>	<b>89.6</b>	<b>57.4</b>	<b>56.2</b>	<b>53.7</b>	<b>66.5</b>
Parcel Acreage	21.5	12.6	13.3	38.9	7	<b>93.3</b>
Total Built Square Feet	2,249,909	1,188,862	925,983	2,695,318	488,636	<b>7,548,707</b>
Total Units in Station Area	24	0	68	0	0	<b>92</b>
Non-Conforming Parcels	0	0	0	0	0	<b>0</b>
Total Excluded Land (sf)	0	31,162	0	3,806	5	<b>34,973</b>
Total Open Space (sf)	374,985	250,080	347,243	1,019,695	183,252	<b>2,175,254</b>
Total Parking Area (sf)	0	0	0	0	0	<b>0</b>
Units Forgone due to Unit Cap in Zoning	0	0	0	0	0	<b>0</b>

**Comparison Table of Requirements and Modeled Results**

<b>Category</b>	<b>Guideline Requ</b>	<b>Modeled Results</b>
Community:	Arlington	Arlington
Community Category:	Adjacent comm	Adjacent community
2020 Housing Units (Census PL-94):	20,461	20,461
Minimum Multi-family Unit Capacity:	2,046	7,268
Minimum Land Area:	32	110
Developable station area:	57.75	57.75
% Unit Capacity within Transit Station Areas:	0%	0%
% Land Area Located in Transit Station Areas:	0%	0%



## Arlington MBTA-C Compliance Model Alternative No 2

for the consideration of the ARB

### Summary Table

Data Metric	District 1	District 2	District 3	District 4	District 5	Totals
District Name	Mass Ave / Broadway EAST	Mass Ave / Broadway HEIGHTS	Neighborhood MF EAST	Neighborhood MF HEIGHTS	Neighborhood MF HEIGHTS Extension	
District Acreage (see note)	26.9	13.3	15.2	48.6	11.2	<b>115.2</b>
District Density Denominator (see note)	26.9	12.6	15.2	48.6	10.2	<b>113.5</b>
<b>Final Unit Capacity per District</b>	<b>2,202</b>	<b>1,123</b>	<b>872</b>	<b>2,739</b>	<b>455</b>	<b>7,391</b>
<b>DU/AC</b>	<b>81.9</b>	<b>89.1</b>	<b>57.4</b>	<b>56.4</b>	<b>44.6</b>	<b>65.1</b>
Parcel Acreage	21.5	12.1	13.3	41.4	9.3	<b>97.6</b>
Total Built Square Feet	2,249,909	1,142,733	925,983	2,871,228	483,706	<b>7,673,559</b>
Total Units in Station Area	24	0	68	0	0	<b>92</b>
Non-Conforming Parcels	0	0	0	0	0	<b>0</b>
Total Excluded Land (sf)	0	31,162	0	3,806	52,241	<b>87,209</b>
Total Open Space (sf)	374,985	242,392	347,243	1,085,661	294,107	<b>2,344,388</b>
Total Parking Area (sf)	0	0	0	0	0	<b>0</b>
Units Forgone due to Unit Cap in Zoning	0	0	0	0	0	<b>0</b>

### Comparison Table of Requirements and Modeled Results

Category	Guideline Requ	Modeled Results
Community:	Arlington	Arlington
Community Category:	Adjacent comrr	Adjacent community
2020 Housing Units (Census PL-94):	20,461	20,461
Minimum Multi-family Unit Capacity:	2,046	7,391
Minimum Land Area:	32	115.2
Developable station area:	57.75	57.75
% Unit Capacity within Transit Station Areas:	0%	0%
% Land Area Located in Transit Station Areas:	0%	0%