

From: Patricia Worden

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To: Rachel Zsebery; Kin Lau; Stephen Revilak; Ashley Maher; Eugene Benson; Claire Ricker; Eric Helmuth; Stephen DeCoursey; Diane Mahon; John Hurd; Len Diggins; Jim Feeney

Subject: Second Testimony for ARB public hearing Sep 11, 2023

September 10, 2023

Second Testimony for ARB Public Hearing on Warrant Article for Fall 2023 STM

(please include this second testimony in Correspondence Received for ARB Hearing on 9/11)

Dear members of the Select Board, Arlington Redevelopment Board, the MBTAC Working Group, Mr. Feeney, and Miss Ricker,

I would like to thank the members of the WG for the time and effort they have spent on the MBTAC Working Group. It should be mentioned that it is not clear if the *Report of the MBTAC Working Group* was actually their work or the work of the Planning Department of Arlington. But in our era of misinformation, the *Report of the MBTAC Working Group* is a masterpiece of such. Among its authors are half of the members of the Arlington Redevelopment Board. It is so replete with careless half-truths and misleading statements contradictory to state law that it should never have been published. It represents a huge disservice to our community and to the work of the WG. The report is an embarrassment and needs to be entirely rewritten. I would think that the hard working members of the WG would be glad to have it properly written in an accurate fashion.

An alarming aspect of it is that there is no indication that certain parameters that have been included in the ARB amendment article for the ARB's consideration tonight were ever discussed in public at the many WG sessions of which I am aware. Is it possible they were simply inserted by the Planning Department? They include some of the most damaging concepts in the amendment such as no requirements for minimum lot size; no landscaped or usable open space etc. Explanation is needed for how this came to be. The ARB needs to include in its amendment for by-right MBTAC development, site requirements for open space, preservation of trees, historic homes etc. to avoid such overreach.

As it exists now the report is a propaganda piece for developers of dense gentrification goals replete with altered and inaccurate legal statements, baseless claims, and generation of cruel false hopes of affordable housing, and supply of senior housing among others. The report is hostile to Arlington's Master Plan which indicates that the housing

Arlington need is for affordable housing and senior housing (Master Plan p.88) - neither of which would be improved by the WG's Plan.

The report does not explain how or by whom the astounding over-compliance with the state's law was authorized nor is research presented showing that meeting a goal higher than 100% compliance (2,046 housing units) would be harmless. In a community of our current size it would increase taxes, reduce affordability, trash our trees and environment, and increase congestion – none of which is harmless.

Adoption of the recommended over compliance would result in unhealthy new construction with its huge loss of carbon, noise, demolition, pollution, and possible homelessness due to evictions as Arlington's houses and buildings including historic houses meet their end. The WG agreed to protect historic buildings but that has not been done.

Among other surprises in the WG report was enthusiasm expressed by the authors for their Forum of June 8. The WG certainly got its ideas for over-compliance presented there partly by allowing no dissent. Material I had brought explaining a better alternative was quickly confiscated. The only WG Forum where significant public comment was heard was on July 25. There was very little support for over-compliance which you can see from the following video: <https://youtu.be/Q2LU6b59BHg>

What is most important to realize about the report is that it doesn't seem as though the Working Group was given an understanding of the state Law they were supposed to be implementing. The proposal does not comply with the state guidelines, documentation and law.

There is a large WG effort regarding affordability (e.g., report pp.16, 28, 32). At the July public meeting, Claire Ricker said the state REQUIRES 10% affordable. Not true. State will allow up to 10%. They would prefer zero as they see affordability requirements as an obstacle to development. To my knowledge the Planning Department has not yet done the work necessary for a feasibility study to attempt to get state permission to use our Affordable Housing Bylaw in MBTAC projects (Section 8.2 of Arlington's Zoning Bylaw).

The 51 page WG report says in multiple places:

“Allow housing that is suitable for families with children “
And “Seniors having trouble finding appropriate housing to downsize into”

The law says

“multi-family housing shall be without age restrictions and shall be suitable for families with children.”

“Allow” is not the same as “shall”.

.....senior housing is frequently mentioned in the report (e.g. pp.5 and 6) in a manner leading to some seniors thinking that MBTAC units will be for them and sometimes are tearful when they find that is not the case. The MBTA C does **NOT** require senior housing. Mentioning senior housing is contradictory to “without age restriction.”

The report repeatedly mentions “*More housing in a variety of sizes*”, but the report uses 1000 square feet to figure capacity. 1,000 square feet is the minimum size allowed (assuming the State sticks to their requirements). So, many units will be higher (in recent multi unit developments, 1000 square feet and higher is luxury housing).

Also there is no requirement for unit accessibility (which is touted on p.5 of the report) or sustainability (see the law below) recommended for inclusion in chosen parameters for the amendment to be considered by the ARB.

In conclusion, much closer attention should be given to the words of the actual law. Although the WG Report frequently quotes it inaccurately which is very misleading, they never included the text of the actual law in the report. They even dismiss and avoid the final very important clause- “the district...shall be located not more than 0.5 miles from a commuter rail station” (Alewife). And so here below is the Law- a clear, simple document so that we know what we are talking about--

Mass. General Laws c.40A § 3A

An MBTA community shall have a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right; provided, however, that such multi-family housing shall be without age restrictions and shall be suitable for families with children. For the purposes of this section, a district of reasonable size shall: (i) have a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A; and (ii) be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.

Very truly yours,
Patricia Barron Worden