

From: MBR

Sent: Monday, September 11, 2023 2:28 PM

To: Eugene Benson; Kin Lau; Stephen Revilak; Rachel Zsembery; Claire Ricker

Cc: Stephen DeCoursey; Len Diggins; Eric Helmuth; John Hurd; Diane Mahon

Subject: Comments on the MBTA Communities Working Group Proposal

There's an old adage: "Marry in haste, repent at leisure." It's applicable to many more issues than marriage. If you make a life-altering decision without proper due diligence, as the Working Group is proposing that Arlington do, you will spend the rest of your life wishing you had made your decision more carefully.

For most of the history of zoning laws, a decision to change the laws has required a 2/3 vote of Town Meeting. 2/3 wasn't some arbitrarily selected number. It was a recognition of the fact that, unlike other matters, zoning matters have the unique characteristic that even though zoning laws can be changed back if a change turns out to be detrimental, the effects of decisions made during the time the loose laws were in effect cannot be undone. Once a building is built under loose laws, reverting unwise changes to the laws does not mean the government can order property-owners to demolish buildings built during the time the loosened laws were in effect.

The State recently removed the guardrails by lowering the threshold for loosening the zoning laws to a 50% vote. But that should not be taken as license to go hog wild in loosening the laws. If anything, it should be understood as a warning to be even more careful in doing due diligence before making changes that will forever alter the life of the town.

Unfortunately, the Working Group has failed to do due diligence WRT a great many aspects of the effects their proposed changes. Rather than doing the hard work necessary to determine whether concerns about the detrimental effects of their proposals are legitimate, they have hand-waved away all questions about the detrimental effects of their proposals. Among those detrimental effects that have been raised are: the capacity of the Town's school buildings, the capacity of its sewer system, the failure to address housing affordability, the inevitable tax increases, the effect upon the town's tree canopy, the effect on climate change, etc., etc.

Furthermore, the WG has adamantly refused to offer Town Meeting an option to fully comply with the state-mandated 2,046 housing units without going further, and instead has offered Town Meeting only an option to over-comply by 350%!!!

If adding additional housing units turns out to be a wonderful thing for the town, Town Meeting can always decide to do so in the future. But the prudent thing is to try it first, by complying with state law, not by 350% over-compliance!

By dropping the threshold for zoning changes to a 50% vote, the state has removed the guardrails. The question now is whether the Arlington Redevelopment Board will be the grown-up in the room and caution the Town that driving on a road without guardrails requires that we drive even more carefully than we normally would, or whether the ARB will put pedal to the metal and drive the Town over the edge of the cliff.

Sincerely,
Mark Rosenthal