Arlington Redevelopment Board
Monday, October 23, 2023, at 7:00 PM
Arlington Town Hall Annex, First Floor Conference Room
730 Massachusetts Avenue, Arlington, MA 02476
Meeting Minutes

This meeting was recorded by ACMi.

PRESENT: Rachel Zsembery (Chair), Eugene Benson, Kin Lau, Stephen Revilak

STAFF: Claire Ricker, Director, Planning and Community Development; Marisa Lau, Senior Planner, Planning and Community Development

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The Chair called the meeting of the Board to order.

The Chair opened with **Agenda Item 1 – Town Meeting Discussion.**

Ms. Ricker met with Utile to look at the amendments to Article 12, specifically those with a dimensional aspect – Evans, Worden, and Loreti – in order to determine what the reductions in capacity would be if those amendments pass. According to Utile, the reduction in capacity of any one of the amendments might be small enough to maintain compliance, but all three together would not. Mr. Benson spoke with the Town Moderator this afternoon about the fact that Article 12 proposes to comply with the MBTA Communities Law, and amendments that will bring the Article out of compliance should be considered out of scope. The Moderator then emailed the three proponents of the dimensional amendments saying that they would have to explain how their amendments would retain the required capacity.

The Chair noted that the Board would need to decide whether or not they support the amendments, but they will not address each amendment unless specifically asked to do so.

- Worden Amendment 2 proposes to increase setbacks to 25 feet in R1 districts and 20 feet in R2 districts under the overlay. According to Utile, the lack of cohesion in the underlying zoning means that it doesn't make sense to have different setbacks in R1 and R2 districts. The Amendment also proposes that new structures must be at least 20 feet from other structures but does not include a definition of "structure." Mr. Benson noted that the bylaws define "structure" as including not just houses, but also fences, garages, and patios, which means that this amendment would make new development impossible on many lots, resulting in a significant reduction in capacity. In addition, the MBTA Communities Overlay District may not include restrictions that do not apply elsewhere in town, and no other zoning in Arlington requires 20 feet between structures. The Board voted unanimously not to support Worden Amendment 2.
- Worden Amendment 1 is redundant. It does not add anything new to Article 12, and it includes the sort of unnecessary language that the Board has tried to get rid of in the zoning bylaw. The Board voted unanimously not to support Worden Amendment 1.
- The Evans Amendment proposes removing a large number of parcels from the NMF in Arlington Heights. According to Utile, if those parcels are removed, the Overlay District will have a capacity of approximately 2,392 units, which is compliant with the MBTA Communities Law. That number was determined in a real-time conversation this afternoon, and it may not be accurate. Mr. Revilak said that the person proposing the amendment should be responsible for the capacity calculations. Mr. Lau expressed concern about how the proponent had chosen which parcels to remove; he said that removing some and not others is a fairness issue that the Working Group was careful to avoid. Mr. Benson said that if Town Meeting maintains the 3-story maximum in the NMF, he would oppose the Evans Amendment. But if Town Meeting increases the maximum to 4 stories, he would agree with Ms. Evans' contention that the steep grade in Arlington Heights south of Mass Ave makes the proposed height of buildings in the NMF too tall. The Board voted unanimously not to support the Evans Amendment as long as the NMF maximum is 3 stories.

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- The Bagnall-Fleming Amendment proposes increasing the NMF maximum from three to four stories. The Board has already discussed this issue extensively, and they have not been in agreement. The Board voted 2-2 about whether to support the Bagnall-Fleming Amendment.

- The Babiarz Amendment proposes placing a cap on the number of units permitted in the Overlay District of 2,050. The Chair said that she doesn't know how this could be enforced. Mr. Benson noted that the development allowed in the Overlay District will be by right, not by permit, so it makes no sense to limit the number permitted. He also thinks that limiting the number of units in the Overlay District violates the uniformity requirement, as no other zoning district in Arlington has such a limit. It's highly unlikely that 2,050 units will be developed in the near future, and Town Meeting can revisit this issue in 20 or 30 years. But if Article 12 is amended in this way now, it's possible that EOHLC or the AG will reject it, requiring Arlington to start over with this process. The Board voted unanimously not to support the Babiarz Amendment.

- The Anderson Amendment initially proposed that 40% commercial space on the second floor, in addition to 60% commercial space on the first floor, be required for a bonus. In the Revised Amendment, she changed the word "shall" to "may," making second-floor commercial space optional. Mr. Benson said that he told Ms. Anderson that he would support the Amendment with that change. Mr. Revilak asked why it was necessary at all, since mixed-use development always allows for second-floor commercial space. Mr. Benson said that the bylaw is actually not clear about what is allowed on the second floor of a mixed-use building, so he thinks this Amendment helps to clarify that. Mr. Benson said that the change from "shall" to "may" has not been made on the annotated warrant because it was too late to make that change, so when Ms. Anderson presents her amendment, she will ask Town Meeting to accept her motion to amend the amendment. The Chair said that she agrees with the amendment, but she thinks that it is potentially confusing to include a percentage when it's about what's allowed and is neither a minimum nor a maximum. Mr. Benson proposed saying that the Board is in favor of the amendment but would prefer that it not include 40%. The Board agreed unanimously.

- Loreti Amendment 2 proposed reducing the height maximums. He disagrees with allowing a standard of 13 feet per floor; he thinks that makes sense on the first floor for commercial space, but that upper floors should be an average of 11 feet. The Chair said that 13 feet per floor is a standard that is widely accepted, and it gives developers the freedom to design properties in a variety of ways. Mr. Revilak noted that the Working Group wanted to make sure that the maximum height of the building as a whole wouldn't limit what could be done with the first floor. Mr. Lau also noted that many of the parcels are tight, and reducing the overall height would reduce the available wall space for windows, making it more difficult to get light into narrow units. The proposed reductions in height are not enough to have a significant impact on neighboring buildings, but allowing the extra inches on each floor can make a significant difference to quality of life inside those units. The Board voted unanimously not to support Loreti Amendment 2.

- Loreti Amendment 3 proposes removing the bonus for LEED Gold certified developments. The Chair said that Mr. Loreti doesn't understand the difference between the Certified and Certifiable standards, which she will address in her remarks. Because most buildings are built as LEED Gold Certifiable, he thinks that offering a bonus for that will give developers a bonus for something they would do anyway, and perhaps discourage them from offering more affordable units in order to get a bonus. The Chair will explain that for a building to be LEED Gold Certified requires a significant investment on a developer's part, and it's not something that most would be doing without the bonus. The Board voted unanimously not to support Loreti Amendment 3.

- Wagner Amendment 1 proposes that developments built partially in the MBMF district and partially in the NMF district should meet the requirements of the NMF district. The Board has already discussed this issue and opted to allow such developments to be subject to the requirements of the MBMF district for one parcel into the NMF. Mr. Revilak noted that the Board wanted to allow for parcel consolidation, and this amendment does the opposite. The Board voted unanimously not to support Wagner Amendment 1.

- Wagner Amendment 2 proposes to delete all bonuses. Mr. Revilak said that three strong preferences came out of the community engagement: sustainability, supporting business districts, and affordable housing. Article 12 contains a bonus for each of those three goals. This Amendment goes against the community preferences. Mr. Lau noted that bonuses are the only way to encourage those goals, as they cannot be required in the Overlay District. The Board voted unanimously not to support Wagner Amendment 2.

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- The Revised Lane Amendment proposes to eliminate the bonus of zero setbacks. Mr. Revilak said that the impact of this amendment on square footage would effectively make the bonus for commercial space unattainable. The Board voted unanimously not to support the Revised Lane Amendment.
- Loreti Amendment 1 proposes requiring a minimum of 15% landscaped open space. Mr. Revilak said that given the required setbacks, most properties will meet 15%, even with surface parking. This Amendment would interact with the setback requirements. Mr. Benson said that the front setback is supposed to be landscaped, and this Amendment doesn't say whether or not it includes the front setback. Mr. Revilak said that the bylaw's definition of landscaped open space does not require it to be pervious. The note at the end of the dimensional tables in Article 12 is a stronger requirement for landscaping because it requires it to be pervious. The Board voted unanimously not to support Loreti Amendment 1.
- The Leone Amendment proposes that the parcel at 5-7 Winter Street, currently not included in the NMF District because it is on the National Register of Historic Places, be included. If excluded, it could end up being surrounded by multi-story buildings without being allowed to be redeveloped itself. Mr. Revilak noted that Mr. Leone's sister lives in that house and the owner of record is named Leone, so this is a Town Meeting member making a request on behalf of a family member. He is not opposed to it. Mr. Benson noted that the Historical Commission asked that all properties on the National Register be excluded, so it doesn't make sense to include this one property. Mr. Leone can come to Annual Town Meeting with a request to rezone the property, but it doesn't make sense to change the Overlay District to accommodate one specific property. The Chair said that the Board should not start picking and choosing individual lots. The Board voted unanimously not to support the Leone Amendment.

The Chair moved to **Agenda Item 2 – New Business.**

Mr. Benson requested that the Board's 2024 meeting schedule be added to the agenda of the November 6, 2023, meeting.

Sanjay Newton, Chair of the MBTA Communities Working Group, said that the Board could handle the potential confusion of the Anderson Amendment by putting forward an article at Annual Town Meeting next spring to clarify the wording.

The Chair asked for a motion to adjourn to Town Meeting. Mr. Lau so moved, and Mr. Benson seconded. The Board voted and approved unanimously.

Meeting **Adjourned to Town Meeting** at 7:50 pm.

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