

Arlington Town Meeting — Substitute Motion

ARTICLE NO. 38

Dated: May 7, 2025

I, James Fleming, do hereby submit the following Substitute Motion under Article 38

Voted: That the Zoning Bylaw be and hereby is amended as follows:

Amend SECTION 2. DEFINITIONS

Home Occupation: *An accessory commercial use which is carried on entirely within a dwelling unit, and is incidental and subordinate to the dwelling use which does not include retail sale of merchandise on the premises nor alter the residential character of the lot or building as regulated under Section 5.10.1. ~~Home occupation shall not include: Personal Service Establishment Uses; Office, Business or Professional Uses; commercial stables or kennels, or teaching of more than three pupils simultaneously, and in the case of music instruction, teaching of more than one pupil at a time.~~*

Amend SECTION 5.10.1: Home Occupation

5.10.1 Home Occupation

A. In any Residential District, a home occupation is permitted if all the following conditions are met:

- (1) ~~No~~ Not more than two nonresidents shall be employed therein.
- (2) Not more than ~~25%~~ 33% of the existing gross floor area of the dwelling unit in the principal building, ~~not to exceed 600 square feet~~, is devoted to the home occupation, and no stock in trade, commodities, or products shall occupy space beyond these limits.
- (3) There shall be no display of goods or wares visible from the street.
- (4) ~~All advertising devices visible from off the lot are specifically prohibited.~~ With the exception of one sign, not to exceed two square feet, non-illuminated, such building shall include no feature of design not customary in buildings for residential use.
- (5) The buildings, use, or premises occupied shall not have a detrimental impact on the neighborhood or any residential use on the premises due to exterior appearance, emission of odor, gas, smoke, dust, noise, electrical disturbance, or in any other way. ~~In a structure containing more than one dwelling unit, the use shall not become objectionable or detrimental to any residential use within the structure.~~ Any noise generated in connection with the use shall comply with Title V, Article 12 of the By-Laws of the Town of Arlington (Noise Abatement).
- (6) ~~Any such building shall include no feature of design not customary in buildings for residential use.~~

(6) Materials stored on the premises and associated with the use shall not include explosives or any “hazardous material” as defined in M.G.L c. 21E, § 2.

(7) Vehicle traffic associated with the use (deliveries or customers, excluding employees) shall not exceed ten trips per day; Vehicles used to deliver goods to the use shall be limited to passenger vehicles, mail carriers, and panel trucks or small vans such as used by express package carriers and office supply companies.

(8) The use may include the sale of articles produced on the premises, or of associated items; with the exception of Artistic/Creative Production, in no case shall the use solely involve the sale of items produced elsewhere than on the premises, and brought to the premises for the purpose of sale.

(9) Home occupations shall not include Personal Service Establishments, commercial stables or kennels, or teaching of more than one pupil at a time in the case of music instruction.

~~B. Where permitted or allowed by special permit in the use regulations, a physician may operate an office from the physician's residence with up to one nonresident employee.~~

Comment:

What is it?

This substitute motion builds on the Greenspon substitute motion while incorporating the ARB's feedback (summarized in their Report to Town Meeting). This article attempts to use Home Occupations as the means to allow businesses in neighborhoods, fostering entrepreneurship while limiting potential negative impact on neighbors.

Why Home Occupations?

I think home occupations are a no-brainer:

- A resident has a stake in their neighborhood and is motivated to remain in neighbors' good graces
- Being able to launch a business from home limits the financial and practical risks associated with entrepreneurship (no need to search, negotiate for, and commit to a space for years). Once you know the business model works, you can then determine whether a main-street space is right for you.

What is different about this Substitute Motion?

- Further limits on-site employees (3, versus 5 from the Greenpon motion)
- Loosens regulations on how home occupations can operate, and clarifies existing vague ones

- Limits the practical maximum size of the business, reducing impacts on infrastructure
- Aligns with neighboring communities (see table below)

You can see some of the substantive regulations in the table below, how this motion would modify Arlington's bylaw, as well as how other towns handle these considerations.

	Current	Greenspon Motion	This Motion	Other Town(s)
Max # of Employee	0	5	3	3 (Newton, Waltham)
Max Sq. Footage Devoted to Business	25%	100%	33%	33% (Belmont) 30% (Newton) 25% (Watertown)
Sale Allowed On Premises	No	Yes	Yes, but limited	Yes (Brookline, Newton, both limited)
Signage	None	Yes	2 sqft	2 sqft (Medford, Winchester)

What Kinds Of Businesses Would Home Occupation Cover?

Currently the town does not allow office/professional uses, Personal Care Establishments (nail salons, barbers, etc), kennels, or some tutoring as a Home Occupation. Everything else is allowed, limited by the general bylaws and the practical considerations of running a home occupation as the sole employee.

This motion allows office/professional uses and more tutoring. This motion does *not* attempt to regulate business types, instead regulating the effect of the business on the neighborhood; in short, the business can operate as long as it does not infringe on the neighbors.

What Does This Article Do?

Plain-english descriptions of the effect of each change in the Zoning Bylaw can be found below:

Definition Modification: This moves all specifics of regulation into 5.10.1; it is organizational only.

5.10.1(A)(1): With this motion, a home occupation could have up to two hired staff (today it is zero). This is aligned with Waltham, Newton, and Watertown's limitations on employees.

5.10.1(A)(2): With this motion, a home occupation could occupy up to 33% of a dwelling, up from 25%. This seems reasonable, as home sizes of 1000-1500 sqft are common; 25% of 1000 sqft is 250 sqft, which is one and a half rooms. 33% is slightly more flexible, and is aligned with Belmont's regulations.

5.10.1(A)(4): With this motion, a home occupation can have a 2 sqft sign (about the size of a street-name sign); today this is not allowed. Multiple neighboring towns allow signs of this size.

5.10.1(A)(5): The current bylaw is vague about what objectionable noise means; this motion adds concrete meaning by tying it to the general Bylaw for Noise Abatement, which specifies maximum sound levels and hours of operation.

5.10.1(A)(6) [Old]: Combined into #4

5.10.1(A)(6) [New]: With this motion, there would be specific regulation on materials that can be stored that pose a danger to nearby residents; today there is no such regulation. This bylaw text is copied almost verbatim from Lexington's regulations for Home Occupations

5.10.1(A)(7): Specifies limit on trips per day for home occupations (other towns have this to varying degrees), and that deliveries must look like residential deliveries (copied from the Lexington bylaw).

5.10.1(A)(8): With this motion, a Home Occupation could sell things they make, or associated items; they could not solely be a reseller (e.g. a corner store), except for something like an art gallery displaying and selling artists' work.

5.10.1(A)(9): Restrictions on uses were moved here. I removed:

- "Office, Business, and Professional Uses" because many professionals work from home already and many corporate employees were breaking this rule during COVID.
- Restriction on # of non-musical students being taught at once. While music makes noise, students studying don't; I could not think of a reason to keep this restriction, and tutoring for academics is in high demand in Arlington.

5.10.1(B): Unnecessary with the change to 5.10.1(A)(1)

I welcome debate about expanding business opportunities in Arlington. The frame of mind I hope you would enter the debate in is this:

Creating more business space is a logistical tradeoff; there is no undeveloped land to create new commercial space on. If you wish for more business, we must build larger buildings to gain commercial space, or lose residential space. This allows us to empower residents to pursue their passions, and hopefully benefit their community.

Respectfully submitted,

/s/ James Fleming

[James Fleming, TMM Precinct 4]

Date Voted: _____

Action Taken: _____