



Town of Arlington, MA Redevelopment Board

Agenda & Meeting Notice May 17, 2021

This meeting is being held remotely in accordance with the Governor's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law G.L. c. 30A, Section 20. Public comments will be accepted during the public comment periods designated in the agenda. Per Board Rules and Regulations, public comments will be accepted during the public comment periods designated on the agenda. Written comments may be provided by email to jraitt@town.arlington.ma.us by May 17, 2021 at 4:00 p.m. The Board requests that correspondence that includes visual information should be provided by May 14, 2021 at 12:00 p.m.

The Arlington Redevelopment Board will meet Monday, May 17, 2021 at 7:00 PM in the
Join via Zoom at <https://town-arlington-ma-us.zoom.us/j/92519084630> | Enter Meeting ID: 925 1908 4630 or by calling: 1-646-876-9923, enter the Meeting ID 925 1908 4630 followed by "#".

1. Docket #3647, 10 Sunnyside Avenue *Continued Public Hearing*

7:00 p.m. Acceptance of Letter of Withdrawal by applicant.

Board members will vote to accept withdrawal of Docket #3647 10 Sunnyside Avenue.

2. Annual Town Meeting updates

7:05 p.m. Chair Zsemsery and staff will report on zoning warrant articles which have been adopted thus far by Town Meeting

3. Discuss Article 43 Substitute Motions and Amendment

7:10 p.m. Board will review and discuss Article 43 substitute motions and amendments and may vote to make a recommendation to Town Meeting

4. Meeting Minutes (4/5/21)

7:50 p.m. Board will review and approve minutes

5. Adjourn to Annual Town Meeting

7:55 p.m. Board will adjourn to Annual Town Meeting



Town of Arlington, Massachusetts

Docket #3647, 10 Sunnyside Avenue *Continued Public Hearing*

Summary:

7:00 p.m. Acceptance of Letter of Withdrawal by applicant.

Board members will vote to accept withdrawal of Docket #3647 10 Sunnyside Avenue.

ATTACHMENTS:

Type	File Name	Description
Reference Agenda_Item_1_- Material	_Corespondence_from_R._Annese_regarding_10_Sunnyside_received_04302021.pdf	Correspondence from R. Annese regarding 10 Sunnyside received 04032021

From: "Robert Annese" <law@robertannese.com>
To: "Jennifer Raitt" <JRaitt@town.arlington.ma.us>
Cc: "Jim McIntyre" <jmcintyre@columnhealth.com>, "Colin Beatty" <cbeatty@columnhealth.com>, "William Chalfant" <wchalfant@tkgeast.com>
Date: Fri, 30 Apr 2021 10:04:33 -0400
Subject: 10 Sunnyside

CAUTION: This email originated from outside of the Town of Arlington's email system. Do not click links or open attachments unless you recognize the REAL sender (whose email address in the From: line in "< >" brackets) and you know the content is safe.

Hi Jenny:

As we discussed my clients are requesting a withdrawal of their current application with respect to their development plans at 10 Sunnyside Ave as they have decided to go in a new direction.

We will be submitting new plans shortly.

I am requesting that the withdrawal of the application be without prejudice.

Thank you

Bob

-
-

BE AWARE OF WIRE FRAUD – IF YOU RECEIVE AN EMAIL FROM OUR OFFICE REQUESTING THAT YOU WIRE FUNDS, YOU MUST CALL OUR OFFICE AND VERBALLY CONFIRM THE REQUEST PRIOR TO THE TRANSFER OF ANY FUNDS. WIRING INSTRUCTIONS WILL ONLY COME FROM OUR OFFICE. IF YOU RECEIVE INSTRUCTIONS FROM ANY OTHER PARTY (INCLUDING YOUR LENDER) CALL US IMMEDIATELY.

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Town of Arlington, Massachusetts

Discuss Article 43 Substitute Motions and Amendment

Summary:

7:10 p.m. Board will review and discuss Article 43 substitute motions and amendments and may vote to make a recommendation to Town Meeting

ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	Agenda_Item_3_-_Article_43_(ADUs)_-_Amendments_and_Substitute_Motions__Response_from_Petitioner.pdf	Article 43 (ADUs) - Amendments and Substitute Motions - Response from Petitioner
▢ Reference Material	Agenda_Item_3_-_Combined_Substitute_Motions_and_Amendments_to_Article_43.pdf	Combined Substitute Motions and Amendments to Article 43

ARTICLE 43 (ADUs): AMENDMENTS AND SUBSTITUTE MOTIONS

Barbara Thornton and Philip Tedesco

May 13, 2021

ARTICLE 43 IS A MODERATE, CONSENSUS PROPOSAL

Article 43, as drafted, was produced through months of work with Town Meeting Members, the Planning Department, each member of the Redevelopment Board, members of the Zoning Board of Appeals and the team at our Inspectional Services Department.

The unanimous endorsement of Article 43 from the Redevelopment Board, the Select Board and the Diversity Task Group illustrates not only broad consensus for Article 43 as drafted, but also the extent to which a broad range of feedback was received and incorporated, resulting in a proposal that is well-reasoned and balanced.

As explained in detail below, the amendments and substitute motions proposed for Article 43 are at best unnecessary and at worst poison pills that would prevent ADUs in most or all instances. Several amendments would hamstring the HCA's ability to build more permanently affordable housing, most would make it difficult for homeowners to finance an ADU project and one would result in the loss of trees and open-space. The overall effect of the amendments and substitute motions would be an ADU bylaw on paper, but few actual ADUs in our community.

We strongly urge the rejection of all of the proposed amendments and substitute motions.

PROPOSED AMENDMENTS AND SUBSTITUTE MOTIONS

Limiting the size of an ADU to 1/3 the size of the principal dwelling or 750 square feet, whichever is less (submitted by John Worden, dated April 18, 2021)

[Amendment – J. Worden (1)]

This amendment would limit the maximum size of an ADU to 1/3 the size of the principal dwelling or 750 square feet, whichever is less.

This amendment is a “poison pill” that would make reasonable, practically sized ADUs effectively illegal in many circumstances, and it is unnecessary given that our Zoning Bylaw, and Article 43 as drafted, already impose a special permit requirement for large additions.

Article 43, as drafted, follows the size for ADUs proposed in the Housing Choice legislation enacted earlier this year (i.e., 1/2 the size of the principal dwelling or 900 square feet, whichever is less). This reflects a lot of policy thinking and work by the Governor's office, state legislators and the state's Department of Housing and Community Development, which our Planning Department and Redevelopment Board unanimously agreed were the appropriate parameters.

The reason for these size parameters in Article 43, as drafted, is on the one hand, for the ADU to be clearly smaller than the main unit, while on the other hand allowing ADUs to be

reasonably sized and not restricted to unnecessarily cramped spaces (which would make a practical ADU effectively illegal in many circumstances).

Article 43, as drafted, also expressly requires a special permit if 750 square feet or more is added to a house in connection with creating an ADU (under an existing requirement of Section 5.4.2.B(6) of the Zoning Bylaw, which requires a special permit for any addition of 750 square feet or more).

Requiring that both the primary unit and ADU be “affordable units” as defined in the Zoning Bylaw (submitted by John Worden, dated April 18, 2021)
[Amendment – J. Worden (2)]

An important component of Article 43, as drafted, is that it allows non-profit housing developers to add an ADU if the ADU is an “affordable unit” as defined in the Zoning Bylaw (i.e., the rent, including utilities, does not exceed 30% of the income of a household at 60% of the area median income).

This amendment is a “poison pill” that would effectively prohibit the Housing Corporation of Arlington from adding rent-restricted ADUs to their existing properties.

This amendment reflects a lack of understanding about affordable-housing regulations. As we confirmed with HCA’s executive director, each subsidy program that HCA relies on to build its projects defines “affordable” in a slightly different way. Existing HCA properties where ADUs would be feasible do rent to individuals earning 60% or less of the area median income, but they were developed under different subsidy programs that do not follow the Arlington Zoning Bylaw’s definition of “affordable unit” and the rent charged is not limited to 30% of household income.

Article 43, as drafted, would allow ADUs for homeowners and make a small but meaningful dent in the Town’s serious need for permanently affordable housing. This amendment would make that goal impossible.

Off-street parking requirement (submitted by John Worden, dated April 18, 2021)
[Amendment – J. Worden (3)]

This amendment would require additional off-street parking for ADUs, and we would encourage you to oppose it for three reasons:

First, this amendment is unnecessary, since Article 43, as drafted, preserves all of Arlington’s existing rules for on-street parking, including a ban on overnight on-street parking on public streets and any applicable rules established for private ways. Under Article 43, any additional vehicles for an ADU would be handled like any other additional vehicle a household acquires. Data from other communities shows us that there is, on average, less than one additional car for each ADU.

Second, this amendment would require paving over open space, and in some cases likely also removing trees, to create unnecessary additional parking spaces. There are negative environmental consequences when we require the paving of open-space.

Finally, this amendment is a “poison pill” that would make ADUs completely infeasible on many lots that do not have additional space to pave over for parking under Town bylaws and would add to the cost of ADUs that could be built.

It’s important to note that Article 43, as drafted, still allows the owner to add parking with their ADU if they feel it would be necessary and are able to do so under our existing Town bylaws – this may require permission from the Zoning Board of Appeal and/or a stormwater management plan.

Requiring renting as an affordable unit and owner occupancy (submitted by Patricia Worden, dated April 18, 2021)

[Amendment – P. Worden]

This amendment is a “poison pill” that would make the creation of an ADU practically unviable in most circumstances.

Affordability restriction: This amendment requires that either the ADU or principal dwelling be rented at an “affordable rent” as defined in the Zoning Bylaw. Such a restriction would make ADUs financially unviable in most circumstances. (Note: the “affordable rent” it would impose is that rent, including utilities, may not exceed 30% of the income of a household at 60% of median income).

ADUs are, by definition, small apartments, and therefore will be more affordable than many housing alternatives. Nevertheless, creating an ADU is an expensive undertaking, and this restriction would make it more difficult, if not impossible, to obtain financing for the ADU and for homeowners to offset these costs.

It’s important to note that even if ADUs were restricted as “affordable” under this amendment, these ADUs created by individual homeowners would still not be eligible for Arlington’s affordable housing inventory for purposes of 40B because they would not satisfy the other regulatory requirements (including, for example, that tenants must be selected through a lottery process).

Owner occupancy: This amendment also seems to require that the owner live in either the main unit or the ADU.

We’ve learned from other communities that long-term requirements for the owner to reside in the main unit or ADU make people reluctant and nervous to spend the time, money and effort it takes to build an ADU. Before undertaking that work, owners will ask some basic, natural questions (for example, what happens when mom passes away or moves into assisted living? what if we get relocated for work? what will this do when we go to sell?). Life has unexpected events (people die sooner than we’d hoped, their care needs change over time,

they have to relocate for jobs, etc., etc.), and when a homeowner is worried that their ADU wouldn't adapt to those events then, naturally, they won't create the ADU.

This kind of requirement also makes banks reluctant to give financing, which makes ADUs out-of-reach for all but the richest.

There is no requirement for Arlington homeowners to live in the houses they own, and we don't think that should be any different when the house has an ADU.

Deleting reference to Arlington's short-term rental bylaw (submitted by Wynelle Evans, dated April 20, 2021)

[Amendment – W. Evans (1)]

Article 43 as drafted expressly makes ADUs subject to the Town's existing short-term rental bylaw (Title V, Article 18, Section 3 of the Town Bylaws), which was adopted overwhelmingly at Town Meeting in 2019 and is very clear that ADUs cannot be used as Airbnbs. This existing bylaw is available online here: [Title V - Regulations Upon the Use of Private Property](#).

This amendment would remove this provision from Article 43 and replace it with a specific minimum lease length of 6 months – which would create needless inconsistency and confusion around requirements and enforcement.

The short-term rental bylaw clearly prohibits ADUs from being rented as Airbnbs, lays out a specific procedure for reporting short-term rental complaints and violations to the Select Board, and provides for fines for violations.

Adopting this amendment would complicate and confuse enforcement of the prohibition of ADUs as short-term rentals. If we include another (different) definition of short-term rental in the Zoning Bylaw then, at best, it becomes unclear who has the authority to enforce it (and where to report a violation), and could lead to unintended gaps in enforcement.

If there is concern about the definition of "short-term rental" in the existing short-term rental bylaw, it would be better to update the short-term rental bylaw, not attempt to shoe-horn a special, different definition into the Zoning Bylaw for ADUs.

Requiring owner occupancy (submitted by Wynelle Evans, dated April 20, 2021)

[Amendment – W. Evans (2)]

This amendment requires that an owner live in the main unit or the ADU as their principal place of residence forever.

As noted above, this would effectively stifle the creation of ADUs in Arlington. We've learned from other communities that long-term requirements for the owner to reside in the main unit or ADU make people reluctant and nervous to spend the time, money and effort it takes to build an ADU. Before undertaking that work, owners will ask some basic, natural

questions (for example, what happens when mom passes away or moves into assisted living? what if we get relocated for work? what will this do when we go to sell?). Life has unexpected events (people die sooner than we'd hoped, their care needs change over time, they have to relocate for jobs, etc., etc.), and when a homeowner is worried that their ADU wouldn't adapt to those events then, naturally, they won't create the ADU.

This kind of requirement also makes banks reluctant to give financing, which makes ADUs out-of-reach for all but the richest.

There is no requirement for any Arlington homeowners to live in the houses they own, and we don't think that should be any different when the house has an ADU.

Requiring a special permit for ADUs in an accessory building within 10 feet of a lot line
(submitted by Christopher Heigham, dated April 27, 2021)
[Amendment – C. Heigham]

This amendment would require a special permit in order to create an ADU in a detached structure (like a garage or carriage house) within 10 feet of a lot line. Article 43, as drafted, requires a special permit where the accessory structure is within 6 feet of a lot line.

Requiring a special permit means that even before the homeowner knows whether they will be allowed to create the ADU, they will need to spend thousands of dollars to engage a design professional and/or attorney, and then undergo a public discretionary approval process. This process includes notice to all neighbors and gives them an opportunity to be participate and object.

Article 43, as drafted, already adds this process and burden for ADUs in accessory structures if the ADU would be within 6 feet of a lot line (which is the existing setback requirement for accessory structures under the Zoning Bylaw, other than for certain garages that are allowed to be closer to the lot line). Creating an ADU in any other accessory structure (i.e., if setback more than 6 feet from the lot line) would be treated no differently than converting an accessory structure to a home office for working remotely (or any other allowed use).

Since few existing garages are set back 10 feet from the property line, this amendment would effectively impose this additional cost and process for the creation of any detached ADU, including for the Housing Corporation of Arlington to create income-restricted affordable units.

Prohibiting ADUs in accessory buildings (submitted by Jon Gersh, dated April 30, 2021)
[Amendment – J. Gersh]

This amendment would prohibit detached ADUs from being created (for example, by converting a garage or carriage house).

An ADU in this kind of structure is often what people think of and is likely the most feasible option for many homeowners in Arlington. This amendment would needlessly preclude them from creating an ADU by removing the ability to build an ADU in an accessory building.

This amendment would also reduce the amount of income-restricted affordable housing that could be built under this bylaw.

Article 43, as drafted, already requires a special process (with added cost and burden, as noted above) for residents concerned about ADUs in a garage or carriage house that is close to the lot line – it requires a special permit from the Zoning Board of Appeals to convert an accessory building that is within 6 feet of the lot line (this is a public, discretionary approval process where all neighbors are notified and have the ability to object). Also Article 43, as drafted, does not allow any new accessory structures unless they comply with all setback, height, side yard and other dimensional limitations.

This amendment would hit especially hard the opportunity to use this Article 43 to create more permanently affordable housing in Arlington. We've confirmed with the Housing Corporation of Arlington's executive director that about half of the ADUs she hopes to build would be located in accessory buildings (and all of the ADUs created by HCA would be restricted as affordable to households earning 60% of the area median income and count on Arlington's affordable housing inventory).

Requiring owner-occupancy and annual certification (submitted by Lori Leahy, dated May 1, 2021)

[Amendment – L. Leahy (1)]

This amendment would require that the owner submit a sworn affidavit each year, forever, to the building inspector that the owner lives in either the primary dwelling or the ADU.

This amendment is a “poison pill” that will stifle the creation of ADUs, including those intended to be created for family members.

As noted above, we've learned from other communities that long-term requirements for the owner to reside in the main unit or ADU make people reluctant and nervous to spend the time, money and effort it takes to build an ADU. Before undertaking that work, owners will ask some basic, natural questions (for example, what happens when mom passes away or moves into assisted living? what if we get relocated for work? what will this do when we go to sell?). Life has unexpected events (people die sooner than we'd hoped, their care needs change over time, they have to relocate for jobs, etc., etc.), and when a homeowner is worried that their ADU wouldn't adapt to those events then, naturally, they won't create the ADU.

This kind of requirement also makes banks reluctant to give financing, which makes ADUs out-of-reach for all but the richest.

In addition, this amendment does not recognize that many houses, especially ones that “stay in the family” after someone passes away are lived in not by the owner but by a family

member of the owner. For example, houses are sometimes owned by a set of siblings but lived in by one of them or by one of their children, or by a parent and lived in by one of the children. Article 43, as drafted, was set up with the understanding that these circumstances may be ones where ADUs are most beneficial – accordingly, under Article 43, as drafted, to get a building permit for an ADU the owner must provide an affidavit that they or their family member will live in the primary dwelling or the ADU when it is completed.

There is no requirement for Arlington homeowners to live in the houses they own, and we don't think that should be any different when the house has an ADU.

Allowing only one ADU per lot (submitted by Lori Leahy, dated May 1, 2021)
[Amendment – L. Leahy (2)]

This amendment would allow only one ADU per lot, instead of one ADU per dwelling unit.

Article 43, as drafted, allows the creation of one ADU for each primary dwelling unit provided that all of the setback, height and other dimensional requirements under the Zoning Bylaw are satisfied. In other words, in a duplex or two-family house, each of the units could have its own ADU as long as the ADU is built in a structure that is allowed under zoning (and the other requirements of Article 43 are satisfied).

Since under Article 43, as drafted, the owner must live in the ADU or primary dwelling when the ADU is created, this issue would arise primarily in 2-unit condominiums. In those situations, in addition to satisfying zoning requirements, both unit owners would also likely need to agree to the creation of an ADU in the first place. But this amendment would further require one of the condominium unit owners to forever forego the ability to create an ADU for their unit in order to allow their neighbor to do so, even in the scenario where the ADU could be created under zoning and even though the likelihood of a second ADU being created on that lot is very remote.

This issue would also arise for properties in the Housing Corporation of Arlington's portfolio, and allow the creation of only one additional income-restricted ADU even if zoning would otherwise allow two to be created.

Because Article 43, as drafted, requires compliance with all setback, height and other dimensional requirements, this amendment is unnecessary and would stifle the creation of worthwhile ADUs.

Prohibiting ADUs in R2 and business districts (submitted by Lori Leahy, dated May 1, 2021)
[Amendment – L. Leahy (3)]

This amendment would prohibit ADUs in R2 districts and business districts.

Excluding ADUs in R2 and business districts seems arbitrary, given that both of these districts contain a number of houses (including single-family houses) that would be suitable for an ADU.

In addition, this amendment would effectively prohibit the Housing Corporation of Arlington from creating income-restricted affordable ADUs, since the HCA properties that are suitable for ADUs are in R2 districts.

Article 43, as drafted, promotes the creation of affordable housing and avoids the kind of arbitrary, blanket prohibition proposed by this amendment, and instead relies on the setback, height and other dimensional requirements that already exist in our Zoning Bylaw.

Requiring that ADUs in an accessory structure be located at least 15 feet from an existing residential dwelling on an abutting lot (submitted by Jo Anne Preston, dated May 2, 2021)
[Amendment – J. Preston]

This amendment would prohibit ADUs in accessory structures (like a garage or carriage house) unless the ADU is located at least 15 feet from any house on an abutting property.

This amendment is unnecessary given the requirements and limitations already contained in Article 43, as drafted, and it would prevent the creation of additional income-restricted affordable housing in Arlington.

Article 43, as drafted, already requires a special process (with added cost and burden, as noted above) for residents concerned about ADUs in a garage or carriage house that is close to the lot line – it requires a special permit from the Zoning Board of Appeals to convert an accessory building that is within 6 feet of the lot line (this is a public, discretionary approval process where all neighbors are notified and have the ability to object). Also Article 43, as drafted, does not allow any new accessory structures unless they comply with all setback, height, side yard and other dimensional limitations.

By contrast, this amendment would impose an arbitrary, new setback requirement for ADUs that would have the effect of prohibiting Arlington homeowners from converting a garage or carriage house into an ADU.

As noted above, this amendment would hit especially hard the opportunity to use this Article 43 to create more permanently affordable housing in Arlington. We've confirmed with the Housing Corporation of Arlington's executive director that half of the ADUs she hopes to build would be located in accessory buildings (and all of the ADUs created by HCA would be restricted as affordable to households earning 60% of the area median income and count on Arlington's affordable housing inventory).

Move for Article 43 to be referred to the Arlington Redevelopment Board to study and report at the next annual town meeting (submitted by Beth Benedikt, dated May 3, 2021)
[Substitute Motion – B. Benedikt]

As noted above, Article 43, as drafted, is the result of months of careful work with each member of the Arlington Redevelopment Board and other stakeholders. The work proposed

by this substitute motion has already been done, and, as a result of this process, the ARB has unanimously endorsed Article 43, as drafted.

Allowing ADUs only by special permit on a limited number of properties in R0 and R1 districts only, limiting the ADU size and imposing ongoing owner-occupancy and recertification requirements (submitted by Allan Tosti, dated May 11, 2021)
[Substitute Motion – A. Tosti]

Many other towns around Boston have a restrictive ADU bylaw and see zero or one ADU each year. This substitute motion, like those bylaws, is unduly restrictive and would give us an ADU bylaw on paper but very few, if any, ADUs in Arlington.

As noted above, Article 43, as drafted, preserves all setback, height and other dimensional requirements of our Zoning Bylaw, but allows homeowners to choose to create an ADU within those rules, and has garnered unanimous approval from the Redevelopment Board, Select Board, and Diversity Task Group.

The proposal before Town Meeting this year differs in key respects from the ADUs proposal put forward in 2019 as a result of the thoughtful research that the proponents and DPCD have done on ADU bylaws, careful collaboration with each member of the Redevelopment Board, DPCD staff, the Building Inspector and other stakeholders, and oral and written comments and feedback from the public over multiple hearings. This substitute motion essentially duplicates the 2019 proposal, and disregards all of the work and learning by all of these stakeholders through our Town process to improve the proposal in that time.

This substitute motion has a number of arbitrary restrictions that would have perverse outcomes:

- *About half properties in Arlington would be ineligible for ADUs:* This substitute motion would allow ADUs only on conforming lots, which off the bat makes half of all properties Arlington ineligible for ADUs, even where space in the house could be converted for an ADU.
- *ADUs would be arbitrarily excluded from R2 and other residential districts and business districts:* Under this substitute motion, ADUs would only be allowed in R0 and R1 districts, even though many houses (including single-family houses) are in the other residential districts and business districts that would be fine candidates for ADUs. Article 43, as drafted, would allow ADUs for single-family, two-family and duplex dwellings in any residential or business district, subject to applicable zoning requirements.
- *Housing Corporation of Arlington would not be allowed to create affordable ADUs on their properties:* Under this substitute motion, the Housing Corporation of Arlington would not be able to create any income-restricted affordable housing units (because their eligible properties are in R2 districts, and in many cases would be in detached structures). Under Article 43, as drafted, HCA expects to be able to add 5 or 10 permanently affordable units.

- *A homeowner could not expand their house or finish an attic to add an ADU:* A homeowner could not expand their house to create an ADU, even where the expansion is allowed under zoning, and in fact ADUs would be forever prohibited in any house that had been expanded (or even finished an attic) since May 1, 2021 – for example, if a homeowner added a bedroom for their children when the kids were young, they could not then, 10 or 15 years later, convert that bedroom with some additional space to an ADU later for their parent or in-law after the kids have moved out.
- *Two independent means of egress would make ADUs unnecessarily expensive and impractical:* ADUs would be required under this substitute motion to have two independent means of egress, and does not allow them to be shared with the primary unit, which would make ADUs unnecessarily expensive and impractical in many circumstances. Article 43, as drafted, requires compliance with all building and fire codes, but does not impose additional, unnecessary requirements.

In addition, this substitute motion contains many of the “poison pills” that are in the other amendments, which compounds their effect:

- *Special permit:* This substitute motion would require a special permit for all ADUs. This is a serious deterrent to creating ADUs because it requires that a homeowner spend thousands of dollars engaging a design professional and/or lawyer, and undergo a discretionary approval process, before they even know if the ADU will be allowed. By contrast, Article 43, as drafted, requires a special permit only where otherwise required under the Zoning Bylaw (for example, to add more than 750 square feet of gross floor area) or where the ADU is in a detached structure and within 6 feet of the lot line.
- *Owner-occupancy:* This substitute motion requires not only that the owner forever live in the main unit or the ADU, but also submission of an affidavit each year and upon any sale.

We’ve learned from other communities that long-term requirements for the owner to reside in the main unit or ADU make people reluctant and nervous to spend the time, money and effort it takes to build an ADU. Before undertaking that work, owners will ask some basic, natural questions (for example, what happens when mom passes away or moves into assisted living? what if we get relocated for work? what will this do when we go to sell?). Life has unexpected events (people die sooner than we’d hoped, their care needs change over time, they have to relocate for jobs, etc., etc.), and when a homeowner is worried that their ADU wouldn’t adapt to those events then, naturally, they won’t create the ADU.

This kind of requirement also makes banks reluctant to give financing, which makes ADUs out-of-reach for all but the richest, and could complicate the homeowner’s ability to ultimately sell their home.

There is no requirement for Arlington homeowners to live in the houses they own, and we don’t think that should be any different when the house has an ADU.

- *ADU size:* This amendment would limit the maximum size of an ADU to 1/3 the size of the principal dwelling or 750 square feet, whichever is less.

Article 43, as drafted, follows the size for ADUs proposed in the Housing Choice legislation enacted earlier this year (i.e., 1/2 the size of the principal dwelling or 900 square feet, whichever is less). This reflects a lot of policy thinking and work by the Governor's office, state legislators and the state's Department of Housing and Community Development, which our Planning Department and Redevelopment Board unanimously agreed were the appropriate parameters.

The reason for these size parameters in Article 43, as drafted, is on the one hand, for the ADU to be clearly smaller than the main unit, while on the other hand allowing ADUs to be reasonably sized and not restricted to unnecessarily cramped spaces (which would make a practical ADU effectively illegal in many circumstances).

Article 43, as drafted, also expressly requires a special permit if 750 square feet or more is added to a house in connection with creating an ADU (under an existing requirement of Section 5.4.2.B(6) of the Zoning Bylaw, which requires a special permit for any addition of 750 square feet or more).

Every ADU has a moving personal story behind it for someone in our community. This substitute motion, like the other amendments put forward, will prevent these stories from coming true – again, they will give us an ADU bylaw on paper, but not actual ADUs for our residents and their families.

Arlington Town Meeting Article 43 Amendment

I, Christopher Heigham, hereby propose the following amendment to the recommended vote of the Arlington Redevelopment Board under Article 43 of the Annual Town Meeting:

In section 5.9.2.B (1), fifth bullet, (iii) change “6 feet” to “10 feet” so the new entire bullet text reads:

An accessory dwelling unit may be located in (i) the same building as the principal dwelling unit or as an expansion to such building; (ii) a building that is attached to the principal dwelling unit; or (iii) an accessory building, which accessory building shall not constitute a principal or main building by the incorporation of the accessory dwelling unit, provided that if such accessory building is located within 10 feet of a lot line then such accessory dwelling unit shall be allowed only if the Board of Appeals, acting pursuant to Section 3.3, grants a special permit upon its finding that the creation of such accessory dwelling unit is not substantially more detrimental to the neighborhood than the use of such accessory building as a private garage or other allowed use.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Chris Heigham', with a long horizontal flourish extending to the right.

Christopher Heigham, Precinct 11
April 27, 2021

Rationale:

A fundamental part of residential zoning is where a residence can be situated on a lot. Arlington's current zoning law establishes minimum side and rear setbacks of 10 feet for residences and 6 feet for garages and other accessory buildings. Article 43's accessory buildings provisions allow for the conversion of a garage that conforms to current zoning to a residence, thus allowing a residence with 6 feet setbacks.

This is not a purely theoretical point. The Department of Planning and Community Development estimates that there are around 200 garages that could be converted to residences “by right” under Article 43. Take a look around your neighborhood.

I filed this amendment because I strongly believe Town Meeting should have the choice to allow ADUs in main buildings and conforming additions without having to make the fundamental change of where residences can be placed on a lot.

Arlington Town Meeting
Motion to Amend Article 43, Adoption of Accessory Dwelling Units

Dated: April 20, 2021

I, Wynelle Evans, do hereby submit the following Motion to Amend the recommended Vote of the Arlington Redevelopment Board on Article 43 by:

In section 5.9.2. B (1), striking out the words:

An accessory dwelling unit shall not be used as a short-term rental, in accordance with Title V, Article 18, Section 3 of the By-Laws of the Town of Arlington.

And inserting in place thereof:

An accessory dwelling unit shall not be rented for a period of less than six months. Rental shall be under a written lease.

Respectfully submitted: Wynelle Evans

Wynelle Evans, Precinct 14

Date Voted: _____

Action Taken: _____

Arlington Town Meeting
Motion to Amend Article 43, Adoption of Accessory Dwelling Units

Dated: April 20, 2021

I, Wynelle Evans, do hereby submit the following Motion to Amend the recommended Vote of the Arlington Redevelopment Board on Article 43 by:

In section 5.9.2.C (1), striking out the words:

or a family member of the owner

and adding the words:

as their principal place of residence

So that the language shall read:

Prior to the issuance of a building permit for an accessory dwelling unit, the owner must deliver an affidavit to the building inspector stating that the owner will reside in either the principal dwelling unit or the accessory dwelling unit as their principal place of residence upon completion of the accessory dwelling unit.

And adding the new sub-section 5.9.2.B (5) that reads:

The owners shall reside in either the principal building or the accessory unit as their principal place of residence.

Respectfully submitted: _____

Wynelle Evans, Precinct 14

Date Voted: _____

Action Taken: _____

TOWN OF ARLINGTON

2021 Annual Town Meeting – Amendment

ARTICLE 43

I, Patricia B. Worden, do hereby submit the following amendment to the recommendation of the Arlington Redevelopment Board:

Amend section 5.9.2, B (1) to add an additional bullet point as follows;

Either the accessory unit or the principal unit, whichever is not occupied by the owners, shall be rented at an affordable rent, as defined in the Arlington Zoning Bylaw

Respectfully submitted.

A handwritten signature in dark ink, appearing to read "Patricia B. Worden", is written over a horizontal line.

Patricia B. Worden
Town Meeting Member, Precinct 8

Dated: April 18, 2021

2021 Annual Town Meeting – Amendment

ARTICLE 43

I,. John L. Worden III, do hereby submit the following amendment to the recommendation of the Arlington Redevelopment Board:

Amend section 5.9.2.B (1) by striking out one-half and inserting in place thereof one-third and by striking out 900 and inserting in place thereof 750, so that said provision as amended, shall read as follows:

An accessory unit shall be not larger in floor area than one-third the floor area of the principal dwelling or 750 square feet, whichever is smaller. For the avoidance of doubt, where an accessory dwelling unit is created by converting a portion of an existing principal dwelling to an accessory dwelling unit, the floor area of the resulting accessory dwelling unit shall be measured relative to the floor area of the resulting principal dwelling (as affected by or in connection with the conversion).

Respectfully submitted.


John L. Worden III

Town Meeting Member, Precinct 8

Dated: April 18, 2021

TOWN OF ARLINGTON

2021 Annual Town Meeting – Amendment

ARTICLE 43

I,. John L. Worden III, do hereby submit the following amendment to the recommendation of the Arlington Redevelopment Board:

Amend Section 5.9.2.C (2) by inserting after *and* in the third line the words “both the principal unit and” changing *is* to *are*, deleting *an*, and changing *unit* to *units*. So that said subsection shall read as follows:

The creation or addition of an accessory dwelling unit to a principal dwelling unit shall not be subject to the foregoing paragraph 5.9.2.C (1) if the principal dwelling unit and accessory dwelling unit are owned by a non-profit or governmental entity and both the principal unit and the accessory dwelling units are restricted as affordable units.

Respectfully submitted.


John L. Worden III

Town Meeting Member, Precinct 8

Dated: April 18, 2021

TOWN OF ARLINGTON

2021 Annual Town Meeting – Amendment

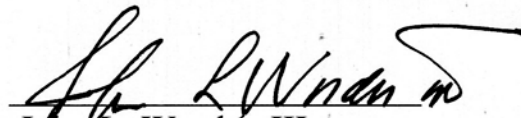
ARTICLE 43

I,. John L. Worden III, do hereby submit the following amendment to the recommendation of the Arlington Redevelopment Board:

Amend Section 5.9.2.B (3) by adding the following words: “but, if the tenant has a motor vehicle, provision shall be made for its parking off-street.” so that said sub section shall read as follows:

(3) No off-street parking spaces are required in connection with the creation of an accessory dwelling unit, but, if the tenant has a motor vehicle, provision shall be made for its parking off-street.

Respectfully submitted.


John L. Worden III

Town Meeting Member, Precinct 8

Dated: April 18, 2021

TOWN OF ARLINGTON

2021 Annual Town Meeting – Amendment

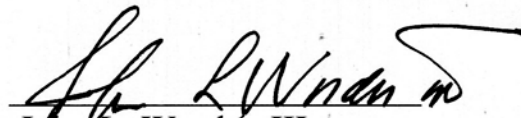
ARTICLE 43

I,. John L. Worden III, do hereby submit the following amendment to the recommendation of the Arlington Redevelopment Board:

Amend Section 5.9.2.B (3) by adding the following words: “but, if the tenant has a motor vehicle, provision shall be made for its parking off-street.” so that said sub section shall read as follows:

(3) No off-street parking spaces are required in connection with the creation of an accessory dwelling unit, but, if the tenant has a motor vehicle, provision shall be made for its parking off-street.

Respectfully submitted.


John L. Worden III

Town Meeting Member, Precinct 8

Dated: April 18, 2021

Town of Arlington
2021 Annual Town Meeting — Amendment

ARTICLE NO. 43

I, Jon Gersh, move to amend to the recommended vote of the Arlington Redevelopment Board under Article 43 to remove accessory dwelling units from accessory buildings by making the following changes:

In section 5.9.2.B (1), fifth bullet, striking out and adding the indicated text:

An accessory dwelling unit may be located in (i) the same building as the principal dwelling unit or as an expansion to such building; or (ii) a building that is attached to the principal dwelling unit; ~~or (iii) an accessory building, which accessory building shall not constitute a principal or main building by the incorporation of the accessory dwelling unit, provided that if such accessory building is located within 6 feet of a lot line then such accessory dwelling unit shall be allowed only if the Board of Appeals, acting pursuant to Section 3.3, grants a special permit upon its finding that the creation of such accessory dwelling unit is not substantially more detrimental to the neighborhood than the use of such accessory building as a private garage or other allowed use.~~

In section 5.9.2.C (3), striking out the indicated text:

This Section 5.9.2 shall be effective as of the date on which it is enacted at Town Meeting in accordance with applicable law, ~~except for clause (iii) of Section 5.9.2.B.(1), fifth bullet, which clause (iii) shall be effective as of the date occurring six (6) months after the date on which this Section 5.9.2 is enacted at Town Meeting.~~

In section 8.1.3.E, striking out and adding the indicated text:

The creation or addition of an accessory dwelling unit within an existing single-family dwelling, two-family dwelling, or duplex dwelling, ~~or within an existing accessory building on the same lot as any such dwelling, does not increase or affect the nonconforming nature of said existing dwelling or accessory building, and shall not cause such dwelling or accessory building to become non-conforming or result in any additional dimensional requirements with respect to such dwelling or accessory building, provided that such creation or addition of an accessory dwelling unit neither expands the footprint nor the height of said dwelling or accessory building, in each case except (i) for changes necessary to provide for required egress or other modification to meet the State Building Code and State Fire Code, and (ii) for any projects allowed under Section 5.3.9, and (iii) to the extent authorized by a special permit issued pursuant to clause (iii) of Section 5.9.2.B(1), fifth bullet.~~

Signed _____

Precinct 18

April 30, 2021

Date Voted: _____

Action Taken: _____


Arlington Town Meeting
Motion To Amend Article No. __43__:

Dated: May 1, 2021

I, Lori Leahy, do hereby submit the following Motion to Amend Article __43__, by:

By inserting language and striking language as follows:

(1) Prior to the issuance of a building permit for an accessory dwelling unit and each year after, as long as the ADU exists, the owner (including any subsequent transference) must deliver an affidavit sworn, under the pains and penalties of perjury, to the building inspector stating that the owner ~~or a family member of the owner~~ will reside in either the principal dwelling unit or the accessory dwelling unit upon completion of the accessory dwelling unit.

Signed: 
Precinct 21 ,

Date Voted: _____

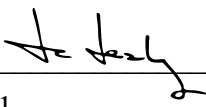
Action Taken: _____

Arlington Town Meeting
Motion To Amend Article No. 43 :

Dated: May 1, 2021

I, Lori Leahy, do hereby submit the following Motion to
Amend Article 43, by:

Only one Accessory Dwelling Unit may be created on any lot regardless of the number of dwellings that exist on said lot.

Signed: 
Precinct 21,

Date Voted: _____

Action Taken: _____

Arlington Town Meeting
Motion To Amend Article No. 43 _____:

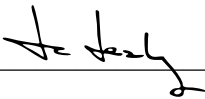
Dated May 1, 2021

I, Lori Leahy, do hereby submit the following Motion to Amend Article
43 _____, by:

By striking the language and inserting the following

(B,1)

In any Residential District ~~or Business District~~, an accessory dwelling unit is permitted
as an accessory use to any single-family dwelling, ~~two-family dwelling, or duplex~~
~~dwelling~~, Zoned R0 and R1, if all of the following conditions are met:

Signed: 
Precinct 21,

Date Voted: _____

Action Taken: _____

Arlington Town Meeting Motion to Amend Article 43

Dated: May 2, 2021

I, Jo Anne Preston, do hereby submit the following Motion to Amend the recommended vote of the Arlington Redevelopment Board under Article 43 by:

Inserting immediately after the fifth bullet point of Section 5.9.2.B (1) the following bullet point:

- An accessory dwelling unit in a garage or other accessory building shall be at least 15 feet from an existing residential dwelling on an abutting property.

Signed. _____

Jo Anne Preston
Precinct 9 - town meeting member

Date Voted: _____

Action Taken: _____

Arlington Town Meeting – Substitute Motion

ARTICLE NO. 43

Dated: May 3, 2021

I, Beth Benedikt, do
hereby submit the following SUBSTITUTE Motion:

Move that the entirety of Article 43 be referred to the Arlington
Redevelopment Board to study and report at the next annual town meeting.

VOTED:

Signed: Beth Benedikt
Precinct 21



Date Voted: _____

Action Taken: -----

Arlington Town Meeting — Motion to Substitute

ARTICLE NO. 43

Dated: May 11, 2021

I, Allan Tosti, do hereby submit the following Substitute Motion for the main motion of the Redevelop Board on Article 43:

VOTED:

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

Amend SECTION 2 DEFINITIONS to add a definition for accessory dwelling unit:

Accessory Dwelling Unit: An accessory dwelling unit is a wholly-contained dwelling unit located within a single-family dwelling existing as of May 1, 2021 within the R0 or R1 zoning districts. The accessory dwelling unit is subordinate in size to the principal dwelling unit, and physically separated from it, with its own kitchen, bathroom, and two means of egress, and held under common ownership with the primary dwelling unit.

Amend SECTION 5.4.3. USE REGULATIONS FOR RESIDENTIAL DISTRICTS to include the use in the table of uses:

Class of Use	R0	R1	R2	R3	R4	R5	R6	R7
Accessory Uses								
Accessory dwelling unit	SP	SP						

Create a new section, SECTION 5.9.2. ACCESSORY DWELLING UNITS, containing standards for accessory dwelling units:

5.9.2 Accessory Dwelling Units

- A. The Zoning Board of Appeals may grant a special permit for an accessory dwelling unit in a single-family dwelling existing as of May 1, 2021, in the R0 or R1 districts, provided that all of the following conditions are met:
- (1) The gross floor area of the single-family dwelling has not been increased since May 1, 2021;
 - (2) The lot area shall be at least the minimum required under Section 5 of the Zoning Bylaw;
 - (3) The gross floor area of an accessory dwelling unit cannot exceed 33% of the gross floor area of a single-family dwelling as defined in Section 2. In no case shall the gross floor area of the accessory dwelling unit exceed 750 square feet;

- (4) The accessory dwelling unit must be contained within the gross floor area of the existing principal dwelling, except for the addition of a second means of egress or other modification to meet the State Building Code. The principal dwelling unit shall not be otherwise expanded;
- (5) The owner(s) of the structure in which the accessory dwelling unit is located must claim one of the dwelling units as their principal residence;
- (6) No additional off-street parking spaces are required;
- (7) The dwelling shall continue to be treated as a single-family dwelling in an R0 or R1 districts; and
- (8) The minimum occupancy or rental term shall be 1 year and the unit shall not be sublet by the tenant.

B. The following procedures apply to accessory dwelling unit:

- (1) No accessory dwelling unit shall be constructed or altered without issuance of a special permit from the Zoning Board of Appeals;
- (2) No accessory dwelling unit shall be occupied prior to issuance of a Certificate of Occupancy by the Building Inspector;
- (3) Prior to the issuance of a Certificate of Occupancy, the owner shall submit to the Building Inspector a notarized affidavit on a form provided by the Town signed under pains and penalties of perjury stating that the owner currently occupies one of the dwelling units on the premises as the owner's principal residence;
- (4) The owner shall submit annually a notarized affidavit on a form provided by the Town signed under the pains and penalties of perjury to the Building Inspector that confirms the owner's continued compliance with the requirements of Section 5.9.2; and
- (5) When a dwelling containing an accessory dwelling unit previously permitted under this Section is sold or otherwise conveyed, the special permit for that accessory dwelling unit shall remain in force only if all requirements of this Section continue to be met and the new property owner submits to the Building Inspector a notarized affidavit on a form provided by the Town, signed under the pains and penalties of perjury, stating that the new owner intends to occupy one of the units in the structure as their principal residence. The dwelling unit and accessory unit shall not be sold or otherwise conveyed separately.

Signed:

Allan Tosti

May 1, 2021, Precinct 17,

Date Voted:_____

Action Taken:_____



Town of Arlington, Massachusetts

Meeting Minutes (4/5/21)

Summary:

7:50 p.m. Board will review and approve minutes

ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	Agenda_Item_4_-_04052021_Draft_ARB_Minutes.pdf	04052021 Draft ARB Minutes

Arlington Redevelopment Board
Monday, April 5, 2021, 7:00 PM
Meeting Conducted Remotely via Zoom
Meeting Minutes

This meeting was recorded by ACMi.

PRESENT: Rachel Zsembery (Chair), Eugene Benson, Kin Lau, Melissa Tintocalis, David Watson (Mr. Watson joined the meeting at 8:00 p.m.)

STAFF: Jennifer Raitt, Director of Planning and Community Development, Erin Zwirko, Assistant Director, and Kelly Lynema, Senior Planner

The Chair called the meeting to order and notified all attending that the meeting is being recorded by ACMi.

The Chair explained that this meeting is being held remotely in accordance with the Governor's March 12, 2020 order suspending certain provisions of the Open Meeting Law G.L. c. 30A, Section 20. This order from Governor Baker allows for meetings to be held remotely during this time to avoid public gatherings.

The Chair introduced the first agenda item, Docket #3650 190 & 192-200 Massachusetts Avenue Public Hearing. Bob Annese introduced himself and notified the Board that the applicants are considered going with the 40B option for this development but decided against it. Mr. Annese introduced the Project Manager John Murphy and Mr. Murphy gave an overview of the project design. Mr. Murphy introduced Aaron Mackie, Civil Engineer, who reviewed the site plans. Peter Slowik reviewed the remainder of the site plans and elevations. Ms. Zwirko said that the department is interested in the affordable housing units. Mr. Lau said he would like more detail regarding the third-floor terrace amenities and questioned the planned staircase along the back of the building. Mr. Lau said he would like to see an exhaust system incorporated with these plans in case a restaurant uses the proposed commercial/retail space. Mr. Benson asked if the elevator exits into the parking area and the location for the tenant entrance. Mr. Benson said that he thinks that saving the façade of the bank building is a nice touch but questioned the look of the upper-level design. Mr. Murphy said that the developers wanted to separate the commercial and residential space and also a five story brick treatment is very expensive. Mr. Benson asked why the Board should allow a building bigger than what is allowed. Mr. Annese said that it is a mixed-use building, and the developers are looking for an expanded use of the FAR. Mr. Murphy said that is why the applicants also included additional affordable units. Ms. Tintocalis asked Mr. Murphy what the applicant's motivation is for redeveloping this space. Mr. Murphy said with one tenant the applicants feel that is now is a good time to redevelop and improve the space. Ms. Tintocalis asked for specifics regarding site parking, to consider the relationship between the look of the first floor and the upper stories. The Chair also said that she feels that there is no relationship between the design of the two sections of the building. The Chair suggested reorienting the space to make better use of the windows and the large, vaulted windows on the side of the first floor. Mr. Benson said that based on the Net Zero Action Plan he would like to see that the building is solar ready and will not be using any fossil fuels. The Chair opened the floor to public comment.

Don Seltzer said that a building of this size is not allowed in a B3 zoning district.

Steve Revilak said he likes the general idea behind this building. Mr. Revilak suggested using brick façade on at least the bottom three floors and to work on the ornamentation to transition from the neighboring buildings.

Chris Loreti said that this proposal should go before the Zoning Board of appeals because it does not come close to meeting the bylaw requirements. Mr. Loreti said that Planning Boards do not have the authority to grant variances.

Phil Goff said that the massing strategy is not too bad, what is proposed is what many in town have been asking for as a mixed-use, higher density building on Mass. Ave. Mr. Goff does have some design concerns including the reduction of the retail space, the amount of parking space, and bike parking on the upper floors instead of at grade.

Adam Auster said he does not like the loss of the retail space and walking past what will be mostly a parking garage.

Elaine Maynard asked the Board to consider that there is a neighborhood behind this building on Chandler Street. Ms. Maynard said that there will be impact of traffic on Chandler Street by visitor parking and services to the building and would like a traffic assessment. Ms. Maynard said noise and light concerns for neighbors behind the building and the aesthetic of the building would something more attractive than a flat back wall.

Kellie Doherty agrees with Elaine's comments regarding the view from her home. Ms. Doherty agrees that the brick façade would be more consistent with the neighboring structures. Ms. Doherty said she is concerned about visitor parking and the loading and unloading for the building, which will likely be on Chandler Street. Ms. Doherty said that she would like to see development that is aesthetically pleasing and lower density.

Matt Fernandes asked how long the construction will take, if the bus stop be moved, and will the sidewalk be blocked during construction. Mr. Fernandez asked how construction this affect the surrounding neighbors.

Laura Hayes said the project is too large for this lot, this is not a small project. Ms. Hayes said that the garage opening on Chandler Street does not really have a set-back or warning signal and school children walk past as they use Chandler Street to get to Hardy School. Ms. Hayes said that the retail space should have recessed entry doors and the building looks out of place in this location.

Stephanie Hansel said she opposes the current design and proposal it is a residential project in a business zone. Ms. Hansel said Arlington cannot afford to lose the current retail space. Ms. Hansel said a building with such a high density is out of place in Capitol square.

The Chair closed the floor to public comment. Mr. Benson said he would like to see the applicants come back with a lower FAR. Ms. Tintocalis said that she would like a rethink of the commercial space loss and would like more information regarding parking plan for the development.

Mr. Benson moved to continue this hearing for Docket #3650 to May 3, 2021, Ms. Tintocalis seconded, approved 4-0-0 (Mr. Watson was absent for this hearing).

The Chair introduced the second agenda item, Zoning Warrant Article Public Hearings for 2021 Annual Town Meeting. Mr. Watson joined the meeting at this time. Ms. Zwirko introduced the Warrant Article Industrial Districts Zoning amendments, articles 35. Mr. Lau asked how many sidewalks and curbs are in the Industrial Districts area. Ms. Zwirko said that it varies throughout the area and it is the Town's responsibility to maintain sidewalks in Industrial Districts, but the conditions vary between districts. Mr. Lau said sidewalks and trees would help a lot in those areas. Mr. Benson asked about the housing limit distinctions between larger and smaller parcels. Mr. Benson asked why new additions in these zones were not also required to be solar ready, if the requirements could specify dark sky friendly lighting, the height requirements should address neighboring structures with existing solar arrays, and why there is a limit of two artists sharing an artists' studio. Ms. Zwirko said that the thinking was to provide more space for artists to work but that requirement can be removed. Mr. Watson said he had a concern about the inclusion of residential use in the Industrial districts, he would also be in favor of

restricting the residential use to larger parcels. Mr. Lau suggested rewording the solar ready requirements for building additions and add where applicable to exclude existing structures that are not able to support the weight of a solar array. Eric Halvorsen from RKG, the consultant working on the economic analysis of industrial zones, addressed the height requirements for small and versus large parcel sizes. The Chair opened the floor for comments from the public.

Don Seltzer said that residential use in industrial districts is not a desired use in these areas. Mr. Seltzer said that the residential use can now be the primary use in these areas. Mr. Seltzer said that this means very few new jobs and no emerging light industry like life sciences. Mr. Seltzer said that the report did not consider the best result for the town but the best results for the landowners.

Steve Revilak said that Industrial districts are about 1% of Arlington's land area, so the districts will not become big money makers. Mr. Revilak said that the bylaw design increases the chances of getting what we want. Mr. Revilak said that it is not financially viable to redevelop in these areas without the residential component.

Chris Loreti said he does not like allowing the greater height, and the heights should be consistent throughout districts. Mr. Loreti said that the uses of Industrial uses have been expanded. Mr. Loreti said allowing residential units there will ruin the Industrial Districts. Mr. Loreti said that he also thinks that artists should not receive special treatment.

Barbara Thornton said she is excited about these changes and allows for a more diverse community. Ms. Thornton said that she supports keeping artists in town to make this a more vibrant and interesting place.

John Worden said that when consultants started working on commercial and industrial uses the residential component was not part of the equation. Mr. Worden said that this will destroy the Industrial Districts. Mr. Worden said that he feels that this amendment has the potential to be a bait and switch like the mixed-use amendment.

Kristin Anderson said she runs a business in the Industrial District gets along well with residential and commercial neighbors. Ms. Anderson said she is in opposition to including residential use in the Industrial Districts as this will not allow for businesses to stay in Town. Ms. Anderson said she is in favor of allowing artists' live-in space but does not feel that artists will be able to afford rents in Arlington.

Aram Hollman said that Arlington has not tried to recruit more businesses; Arlington needs to keep the current 5% of Arlington's Industrial and Commercial for the tax breaks. Mr. Holman said that they should not allow mixed-use, that Arlington needs more jobs not more housing and this proposal will bring more housing.

Susan Stamps said as zoning bylaw changes come before Town Meeting, it is hard to understand what the changes are. Ms. Stamps asked if Town Meeting members can be given the information visually to show what the developments may look like. Ms. Stamps said Planning projects are in place to reduce heat island effects and address climate change. Ms. Stamps said this is an opportunity to require new codes to reduce carbon pollution, flooding, and should require shade trees every 35 feet in addition to planter boxes every 15 linear feet. Ms. Zwiko explained the visual guides that may be provided for the Town Meeting presentation.

Don Seltzer said that we must protect against a large landowner subdividing large parcels to take advantage of the rules for smaller Industrial District lots.

Chris Loreti asked about one- and two-family homes currently in Industrial Districts are non-conforming and now just 40B housing is being developed in industrial districts.

The Chair introduced the next Zoning Article, Warrant Article 36. Ms. Zwirko introduced the article and explained that it would amend the previous zoning map. The Chair opened the floor to public comment.

John Worden said that the map will change due to the changes to the soccer field and DPW parking changes. The problem is that there several small zones and it is difficult to find out where a zone begins and ends. The key should be on a separate page and the map size should be increased to read it more easily.

The Chair said that the Board will now accept public comment for all of the warrant articles that were presented.

Eric Pol said he would like to comment on the affordable housing letter on Behalf of the Boston Center for Independent living regarding inclusionary zoning that supports an increase to affordable housing unit requirements from 15% to 25%.

With no other members of the public in queue requesting to speak, Mr. Lau moved to close public comment for the Warrant articles for Town Meeting for 2021, Mr. Watson seconded, approved 5-0-0.

The Chair opened the floor to Board members' comment on the warrant articles before voting. The Chair introduced Article 28, which is for an Administrative change for the zoning bylaw for affordable housing requirements. Mr. Lau moved to recommend taking favorable action on Article 28, Mr. Benson seconded, approved 5-0-0.

The Chair introduced Article 29 which is for an Administrative Change to the Apartment Conversion Bylaw. Ms. Zwirko gave an overview of the changes. Ms. Tintocalis moved to recommend taking favorable action for Article 29 as submitted, Mr. Lau seconded, approved 5-0-0.

The Chair introduced Article 30, which is the Zoning Bylaw amendment relative to calculating gross floor area. Mr. Lau moved to recommend taking favorable action for Article 30, Ms. Tintocalis seconded, approved 5-0-0.

The Chair introduced Article 31, which is an administrative change relative to Prohibited Uses. Mr. Lau moved to recommend taking favorable action for Article 31, Mr. Benson seconded, approved 5-0-0.

The Chair introduced Article 32, which is an administrative change for Other Districts Dimensional and Density Regulations. Mr. Benson moved to recommend taking favorable action for Article 32, Mr. Watson seconded, approved 5-0-0.

The Chair introduced Article 33, which includes multiple Administrative Amendments. Mr. Watson moved to recommend taking favorable action for Article 33, Ms. Tintocalis seconded, approved 5-0-0.

The Chair introduced Article 34, which is relative to changes to Marijuana Uses. Mr. Watson asked to note that this is required to comply with regulations from the state. Mr. Lau moved to recommend taking favorable action for Article 34, Mr. Watson seconded, approved 5-0-0.

The Chair introduced Article 35, which is relative to changes in Industrial Uses. Mr. Benson said he is not sure if they can continue without seeing the requested amendments discussed earlier this evening. The Chair and Board agreed to move this article discussion to last this evening.

The Chair introduced Article 36, which is relative to the Date of Zoning Map. Ms. Raitt explained that this is to allow changes in zoning for the DPW campus. Mr. Lau moved to recommend taking favorable action for Article 34, Mr. Benson seconded, approved 5-0-0.

The Chair introduced Article 37, which is relative to Multifamily Zoning for MBTA Communities. Mr. Lau moved to take no action for Article 37, Mr. Benson seconded, approved 5-0-0.

The Chair introduced Article 38, Energy Efficient Homes on Non-Conforming Lots. 38, Mr. Benson moved to recommend taking favorable action for Article 38, Mr. Watson seconded, approved 5-0-0.

The Chair introduced Article 39, Clarification of the Definition of Mixed-use. Mr. Benson stated that the bylaw is very clear and does not require clarification and this will reduce the ability to have good projects in town. Mr. Lau moved to take no action for Article 39, Mr. Benson seconded, approved 5-0-0.

The Chair introduced Article 40, Conversion of Commercial to Residential. Mr. Benson said that he thinks this will result in no new affordable housing but will prevent renovation and rehabilitation of small places. Mr. Lau moved to take no action for Article 40, Mr. Watson seconded, approved 5-0-0.

The Chair introduced Article 41, Definition of a Foundation. Mr. Lau said that this amendment would add more confusion. Mr. Lau moved to take no action for Article 41, Ms. Tintocalis seconded, approved 5-0-0.

The Chair introduced Article 42, Affordable Housing on Privately Held parcels of "Non-conforming" Size. Mr. Benson moved to take no action for Article 42, Mr. Lau seconded, approved 5-0-0.

The Chair introduced Article 43, Article to Propose the Adoption of Accessory Dwelling Units. Ms. Zwirko reviewed the petitioner's requested changes and updates. Mr. Lau moved to recommend taking favorable action for Article 43, Ms. Tintocalis seconded, approved 5-0-0.

The Chair introduced Article 44, Parking Minimums. The Chair reviewed the amendments to the original article. Mr. Watson moved to recommend taking favorable action for Article 44, Mr. Lau seconded, approved 5-0-0.

The Chair introduced Article 45, To Increase the Percentage of Affordable Housing Units. Mr. Benson said that he would like to explore other methods to increase affordable housing. Mr. Lau moved to take no action for Article 45, Ms. Tintocalis seconded, approved 5-0-0.

The Chair introduced Article 46, Teardown Moratorium. Mr. Benson moved to take no action for Article 46, Ms. Lau seconded, approved 5-0-0.

The Chair introduced Article 47, Establishing Requirements for Off-Street Handicap Placard Parking. Mr. Benson said that this article should be revised, the Board and the Department would like to craft a revised Warrant Article. Mr. Benson moved to take no action for Article 47, Mr. Watson seconded, approved 5-0-0.

The Chair introduced Article 48, ADA/MAAB Standards in Administration and Enforcement. Mr. Benson moved to recommend taking favorable action for Article 48, Mr. Watson seconded, approved 5-0-0.

The Chair introduced Article 49, Sideyard Sky Exposure Planes. Ms. Raitt reviewed the updates by the petitioner. Mr. Lau said that he agrees with the intent but is not sure of the ramifications, he would like further study. Mr. Benson moved to recommend taking no action for Article 49, Mr. Lau seconded, approved 5-0-0.

The Chair re-introduced Article 35, Industrial Uses. Ms. Zwirko reviewed the amendments to the article based on this evening's discussion. Mr. Benson said that he was in favor of requiring a Special Permit to review requests. Mr. Watson said that the article should state that any increase in residential use would require Board review. Mr. Benson moved to recommend taking favorable action for Article 50, Mr. Watson seconded, approved 5-0-0.

The Chair introduced the third agenda item, Meeting Minutes (2/8/21, 3/1/21)

Mr. Benson moved to approve minutes for the 2/8/21 as amended, Mr. Watson seconded, approved 4-0-1 (Ms. Tintocalis abstained).

Mr. Benson moved to approve minutes for the 3/1/21 as amended, Mr. Lau seconded, approved 4-0-1 (Ms. Tintocalis abstained).

The Chair introduced the last agenda item, Open Forum.

Christian Klein thanked Ms. Zwirko for her service to the Town and the Zoning Bylaw Working Group.

Barbara Thornton also thanked Ms. Raitt, Ms. Zwirko, and the Board for their assistance with her Warrant Article.

James Flemming thanked the Board for their help with his Warrant Article.

With no other members of the public in queue to speak, the Chair closed the Open Forum portion of the meeting.

Mr. Lau moved to adjourn, Mr. Watson seconded, approved 5-0-0.

Meeting adjourned.