



Town of Arlington, MA Redevelopment Board

Agenda & Meeting Notice March 21, 2022

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. 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 mmuszynski@town.arlington.ma.us by March 21, 2022 at 4:00 p.m. The Board requests that correspondence that includes visual information should be provided by March 18, 2022 at 12:00 p.m.

The Arlington Redevelopment Board will meet Monday, March 21, 2022 at 7:30 PM in the **Join Zoom Meeting with audio and video by connecting using this link: <https://town-arlington-ma-us.zoom.us/j/81516112379>, Meeting ID: 815 1611 2379, or by calling (646) 876-9923, Meeting ID 81516112379 followed by #.**

1. Warrant Article Public Hearings for 2022 Annual Town Meeting

- 7:30 p.m.
- A brief introductory presentation by petitioners will be provided for each article
 - Board members and members of the public will be provided time to ask questions and comment on each article
 - The public will be provided opportunity to comment on each Article

ARTICLE 45

ZONING BYLAW AMENDMENT / APPEALS

To see if the Town will vote to amend Section 3.1 of the Zoning Bylaw to provide for a right of appeal for any person who has requested enforcement of the Zoning Bylaw, in cases where the alleged violation has not been abated, and/or to require civil proceedings to enforce the Zoning Bylaws be initiated; or take any action related thereto.

(Inserted at the request of Sophie Migliazzo and ten registered voters)

ARTICLE 39

ZONING BYLAW AMENDMENT / MIXED USE IN BUSINESS DISTRICTS

To see if the Town will vote to amend the Zoning Bylaw in Section 5.5.2 to increase the Maximum Floor Area Ratio (FAR) allowed for mixed use structures in the Business districts, or take any action related thereto.

(Inserted at the request of Xavid Pretzer and ten registered voters)

ARTICLE 34

ZONING BYLAW AMENDMENT / PORCH

To see if the Town will vote to amend the Zoning Bylaw to update Section 2 DEFINITIONS and Section 5.3.9 Projections into Minimum Yards to further define what constitutes a porch and include porches to the list of allowable projections into minimum yards; or take any action related thereto.
(Inserted at the request of the Redevelopment Board)

ARTICLE 35

ZONING BYLAW AMENDMENT / YARD ENCROACHMENT

To see if the Town will vote to amend the Zoning Bylaw to update Section 5.3.9 Projections into Minimum Yards to require a special permit before floor area in a setback is enclosed; or take any action related thereto.
(Inserted at the request of the Redevelopment Board)

ARTICLE 36

ZONING BYLAW AMENDMENT / LARGE ADDITIONS

To see if the Town will vote to amend the Zoning Bylaw to update Section 5.4.2 Large Additions to clarify how the applicable area is to be calculated; or take any action related thereto.
(Inserted at the request of the Redevelopment Board)

2. Continued discussion of Special Town Meeting Zoning Warrant Articles

9:30 p.m. Continued discussion regarding possible amendments to sign bylaw, family child care uses, and nonconforming single-family or two-family dwellings.

3. Open Forum

10:00 p.m. • Except in unusual circumstances, any matter presented for consideration of the Board shall neither be acted upon, nor a decision made the night of the presentation. There is a three-minute time limit to present a concern or request.

4. Adjourn

10:20 p.m. Estimated time for adjournment

5. Correspondence Received

Correspondence received from:

M. Rizkallah 2-25-2022
L. Maida, Maida Pharmacy 3-2-2022
N. Mann 3-5-2022
P. Parise 3-6-2022
E. Pyle 3-6-2022
D. Seltzer 3-6-2022
S. Blagden 3-7-2022
E. Cahill 3-7-2022
C. Carney 3-7-2022
C. Cunningham 3-7-2022
B. Kun 3-7-2022
L. Vivenzio 3-7-2022
J. Weber 3-7-2022
A. Hollman 3-8-2022
R. Peterson 3-8-2022
J. Weber 3-8-2022
T. Allor 3-11-2022
E. Fischer 3-11-2022

R. Lemp 3-12-2022
X. Pretzer 3-12-2022
S. Berczuk 3-13-2022
L. Curtis 3-13-2022
J. Susse 3-13-2022
S. Blagden 3-14-2022 (two letters)
J. Brodman 3-14-2022
C. Gibson 3-14-2022
R. Jacob 3-14-2022
B. Lowe 3-14-2022
S. Smith 3-14-2022 (two letters)
A. Bala 3-15-2022
B. Eastwood 3-16-2022
J. Fleming 3-16-2022
M. Fudala 3-16-2022
S. Hansel 3-16-2022
N. Angus 3-17-2022
J. Fleming 3-17-2022
P. Parise 3-18-2022
T. Allor 3-19-2022
D. Bradley 3-19-2022
D. Seltzer 3-19-2022
S. Blagden 3-30-2022
A. Hollett 3-20-2022
B. Borgia 3-21-2022
C. Doherty 3-21-2022
L. Curtis Hayes 3-21-2022
C. Pedersen 3-21-2022
L. Wiener 3-21-2022



Town of Arlington, Massachusetts

Warrant Article Public Hearings for 2022 Annual Town Meeting

Summary:

7:30 p.m.

- A brief introductory presentation by petitioners will be provided for each article
- Board members and members of the public will be provided time to ask questions and comment on each article
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(Inserted at the request of Sophie Migliazzo and ten registered voters)

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how the applicable area is to be calculated; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

ATTACHMENTS:

Time

File Name

Description

Type	File Name	Description
D Reference Material	Agenda_Item_1_DPCD_Memo_to_ARB_regarding_Articles_45_39_34_35_and_36.pdf	DPCD Memo to ARB regarding Articles 45, 39, 34, 35 and 36
D Reference Material	Agenda_Item_1_Increasing_FAR_Limits_in_Arlington.pdf	Increasing Mixed Use FAR
D Reference Material	Agenda_Item_1_Increasing_FAR_Limits_in_Arlington.pdf	Increasing FAR Limits in Arlington
D Reference Material	Agenda_Item_1_Housing_Choice_Letter_re__Mixed_Use_FAR.pdf	Housing Choice Letter re: Mixed Use FAR



TOWN OF ARLINGTON
DEPARTMENT OF PLANNING and
COMMUNITY DEVELOPMENT

TOWN HALL, 730 MASSACHUSETTS AVENUE
ARLINGTON, MASSACHUSETTS 02476
TELEPHONE 781-316-3090

MEMORANDUM

To: Arlington Redevelopment Board

From: Jennifer Raitt, Director, Planning and Community Development
Kelly Lynema, AICP, Assistant Director, Planning and Community Development

Date: March 17, 2022

RE: Review of Warrant Articles 45, 39, 34, 35 and 36 for 2022 Annual Town Meeting

Staff reviewed the following Warrant Articles to provide the Board with information for further consideration as part of the public hearing and review process. There are six articles with public hearings for the evening of March 14th. This memo provides information about each article being reviewed, including any additional information provided by the petitioner, and additional factors for the Board's consideration.

A Warrant Article to amend the Zoning Bylaw has been filed by Sophie Migliazzo and ten registered voters:

ARTICLE 45

ZONING BYLAW AMENDMENT / APPEALS

To see if the Town will vote to amend Section 3.1 of the Zoning Bylaw to provide for a right of appeal for any person who has requested enforcement of the Zoning Bylaw, in cases where the alleged violation has not been abated, and/or to require civil proceedings to enforce the Zoning Bylaws be initiated; or take any action related thereto.

(Inserted at the request of Sophie Migliazzo and ten registered voters)

The petitioner provided the following main motion:

Amend Section 3:

SECTION 3. ADMINISTRATION AND ENFORCEMENT

3.1 BUILDING INSPECTOR; ENFORCEMENT

- A. The Building Inspector appointed under the provisions of G.L. c. 143 is hereby designated and authorized as the officer charged with the administration and enforcement of this Bylaw.
- B. No person shall erect, construct, reconstruct, convert, or alter a structure, or change the use or lot coverage, increase the intensity of use, or extend or displace the use of any structure or lot without applying for and receiving the required permit(s) from the Building Inspector. No such permit shall be issued until the Building Inspector finds that the applicant is in compliance with the applicable provisions of Title VI, Article 7 of the Town Bylaws.

- C. No premises and no building erected, altered, or in any way changed as to construction or use of any building or of any parcel of land under a permit or otherwise, shall be occupied or used without a certificate of occupancy issued by the Building Inspector. No certificate of occupancy shall be issued until the premises, structure, and its uses and accessory uses comply in all respects with this Bylaw. If applicable, a site plan certificate of completion shall be issued.
- D. All special permits, variances, and other relief granted by the Arlington Redevelopment Board and Board of Appeals are conditioned upon compliance with the conditions set forth in such permits and other forms of relief, the State Building Code, and, where applicable, the Massachusetts Architectural Access Board regulations.

3.1.2 Enforcement

- A. Any person may file a written request to the Building Inspector for enforcement of this Bylaw with reference to an alleged violation, as provided in G.L. c. 40A, § 7. Within fourteen (14) days of receipt of the request, the Building Inspector shall investigate the facts and inspect the alleged violation and, if the Building Inspector finds evidence of a violation, the Building Inspector shall give written notice to the owner and occupant of said premises and demand that such violation be abated within such time as the Building Inspector deems reasonable. The notice and demand may be given by mail, addressed to the owner at the address as it then appears on the records of the Board of Assessors, and to the occupant at the address of the premises.
- B. If after notice and demand the violation has not been abated within the time set by the Building Inspector and in any case no later than [] days of such request, the Building Inspector shall institute appropriate action or proceedings in the name of the Town of Arlington to prevent, correct, restrain, or abate such violation.
- C. If the Building Inspector determines that there is no violation, the Building Inspector shall give written notice of the decision to the complaining person within 14 days after the receipt of such request.

3.1.3 Appeal

An appeal to the Board of Appeals may be taken by any person aggrieved due to inability to obtain a permit or enforcement action from the Building Inspector, or by any other agency or person as provided in G.L. c. 40A, § 8, as amended, including without limitation by any person who has filed a request per Section 3.1.2(A) in the event the violation has not been abated and proceedings have not been instituted within the time set forth in Section 3.1.2(B).

3.1.4 Penalty

- A. If the notice of violation is not complied with according to the time specified in the notice, the Building Inspector may, in accordance with G.L. c. 40, § 21D, institute a non-criminal complaint(s) with penalty. Each day in which a violation exists shall be deemed a separate offense. The penalty for violation of any provision of this Bylaw shall be \$25.00 for the first offense; \$50.00 for the second offense; \$100.00 for the third offense; and \$200.00 for the fourth and each subsequent offense.
- B. The Building Inspector may, with the approval of the Select Board, institute the appropriate criminal action or proceeding at law or in equity to prevent any unlawful action, use or condition, and to restrain, correct or abate such violation. Penalties for violations may, upon conviction, be affixed in an amount not to exceed three-hundred dollars (\$300.00) for each offense. Each day, or portion of a day, in which a violation exists shall be deemed a separate offense.

The staff provide the following additional considerations relevant to this article:

Enforcement of the Zoning Bylaw is outlined in Section 3.1, including the role of the Building Inspector, procedures for enforcement and appeals, and the potential penalties for noncompliance. The petitioner seeks to amend the Zoning Bylaw to control the enforcement process more tightly by requiring the Building Inspector to take civil action within a specified period against a property owner who refuses to comply with the Zoning Bylaw even after enforcement by ISD. The amendment to Section 3.1.3 Appeal would allow a complainant to make an appeal to the Zoning Board of Appeals (ZBA) to require the Building Inspector to initiate civil action if they have not done so to the complainant's satisfaction within the new timeline articulated by the amendment to 3.1.2.B. The petitioner has not yet specified a period after which actions or proceedings must begin. At present, complainants may still file an appeal with the ZBA, however the ZBA does not have the ability to require civil action on the part of the Building Inspector. In its current form, neither the Zoning Bylaw nor Massachusetts General Law preclude a resident from taking civil action against another resident who persists in violating the Zoning Bylaw.

A Warrant Article to amend the Zoning Bylaw has been filed by Xavid Pretzer and ten registered voters:

ARTICLE 39

**ZONING BYLAW AMENDMENT /
INCREASED FLOOR AREA RATIO FOR MIXED USE STRUCTURES**

To see if the Town will vote to amend the Zoning Bylaw in Section 5.5.2 to increase the Maximum Floor Area Ratio (FAR) allowed for mixed use structures in the Business districts, or take any action related thereto.

(Inserted at the request of Xavid Pretzer and ten registered voters)

The petitioner provided the following main motion:

That the zoning bylaw be amended by modifying the floor area ratio (FAR) requirements in the "B District Building Height and Floor Area Ratio Regulations" table of section 5.5.2(A) as follows:

B District Building Height and Floor Area Ratio Regulations

	Maximum Allowed
District Use	Maximum Floor Area Ratio (FAR)
B2	
Mixed-use <= 20,000 sq. ft.	1.50 <u>4.00</u>
Mixed-use > 20,000 sq. ft.	1.00 <u>4.00</u>
B2A	
Mixed-use <= 20,000 sq. ft.	1.50 <u>4.00</u>
Mixed-use > 20,000 sq. ft.	1.00 <u>4.00</u>
B3	
Mixed-use <= 20,000 sq. ft.	1.50 <u>4.00</u>
Mixed-use > 20,000 sq. ft.	1.40 <u>4.00</u>
B4	
Mixed-use <= 20,000 sq. ft.	1.50 <u>4.00</u>
Mixed-use > 20,000 sq. ft.	1.00 <u>4.00</u>
B5	
Mixed-use <= 20,000 sq. ft.	1.80 <u>4.00</u>
Mixed-use > 20,000 sq. ft.	1.40 <u>4.00</u>

The staff provide the following additional considerations relevant to this article:

Background

The last time Town Meeting heard proposals around adjustments to the minimum floor area ratio (FAR) was in 2019. The amendment proposed at that time was in the form of a density bonus contingent on the provision of additional units of affordable housing. The allowable FAR proposed under the density bonus for mixed-use buildings within the Business districts ranged from 1.5 to 2.2 and was part of a suite of amendments aimed at producing a diversity of building typologies and increasing the town's supply of affordable housing.

A report on the Zoning Analysis¹ conducted as part of the development of the amendments noted that the Town's six business districts allow multifamily housing and mixed-use development by special permit. These districts are interspersed along the Massachusetts Ave, Summer Street, and Broadway corridors. Each is relatively small; in total, the six districts (B1 included) comprise just over 4% of the Town's land area. The Zoning Analysis pointed out that depending on the building, within the commercial corridors additional residential stories could be redeveloped as new mixed-use structures were some of the Zoning Bylaw's dimensional constraints amended.

The Zoning Analysis recommended that in conjunction with adjustments to building height maximums, the maximum FAR should be increased. The analysis notes that under the current zoning, development on a lot on which over half the site is devoted to open space and parking could be limited to two stories because of the current maximum FAR. The goal of the Zoning Analysis and subsequent recommendations to amend the zoning bylaw was clear: recalibrate the Zoning Bylaw to encourage redevelopment of properties to their highest and best use while simultaneously increasing the Town's supply of affordable housing.

What is FAR and how is it used in the Zoning Bylaw?

Zoning bylaws and ordinances use different tools to shape what neighborhoods will look and feel like, including how large buildings are allowed to be. FAR (pronounced "F-A-R", not "far"), is one of those tools. It works in concert with height maximums, open space requirements, and setback requirements to limit the overall massing of a building. When not appropriately calibrated, however, FAR can create constraints that overly limit the ability to redevelop a property and can disincentivize redevelopment of properties that are not performing to their highest and best use.

FAR is calculated by dividing the sum of a building's total floor area (the total square feet of all the floors in a building) by the lot area (the total square feet of a lot or parcel). When zoning sets a maximum FAR, it places a limit on the size of a building in relation to the size of the lot that it is on.

The Zoning Bylaw lays out a FAR maximum for each of the Business districts, but it is not the only constraint. Other limits in the B2 through B5—the districts included in the proposed amendment—include:

- *Setbacks in the front, rear, and side yards:* Within the Business districts, mixed use buildings are required to have a rear setback of 10 feet plus the length of the parcel divided by 10 (or $10+(L/10)$). For example, new development of a mixed-use building on a parcel with a depth of 60 feet would be required to be set back 16 feet from the rear property line; a building on a 100-foot-deep parcel would be required to have a rear yard setback of 20 feet.
- *Required open space:* mixed use development in the Business districts is required to provide 10% landscaped open space on parcels of 20,000 square feet or greater. A minimum of 15% of the residential floor area in a mixed used building must be provided in the form of usable open space in the B5 district, or 20% in the B1, B2, B2A, B3, and B4 districts, respectively. The Zoning Bylaw specifies that while usable open space may be provided on the roof of a building, the dimensions of usable space must be a minimum of 25 feet by 25 feet.
- *Height:* The Zoning Bylaw restricts heights in each Business district. Mixed-use buildings in the B2 district have a maximum allowed height of 50 feet or 4 stories, and in the B2A, B3, B4, and B5 districts there is a maximum height of 60 feet or 5 stories, although the maximum is reduced by ten feet or one story for lots larger than 20,000 square feet. Additional constraints on building heights

¹ Town of Arlington Multifamily Zoning Project: Existing Conditions and Zoning Analysis – 7/10/18, accessed at <https://www.arlingtonma.gov/home/showdocument?id=45566&t=636856718724900000>.

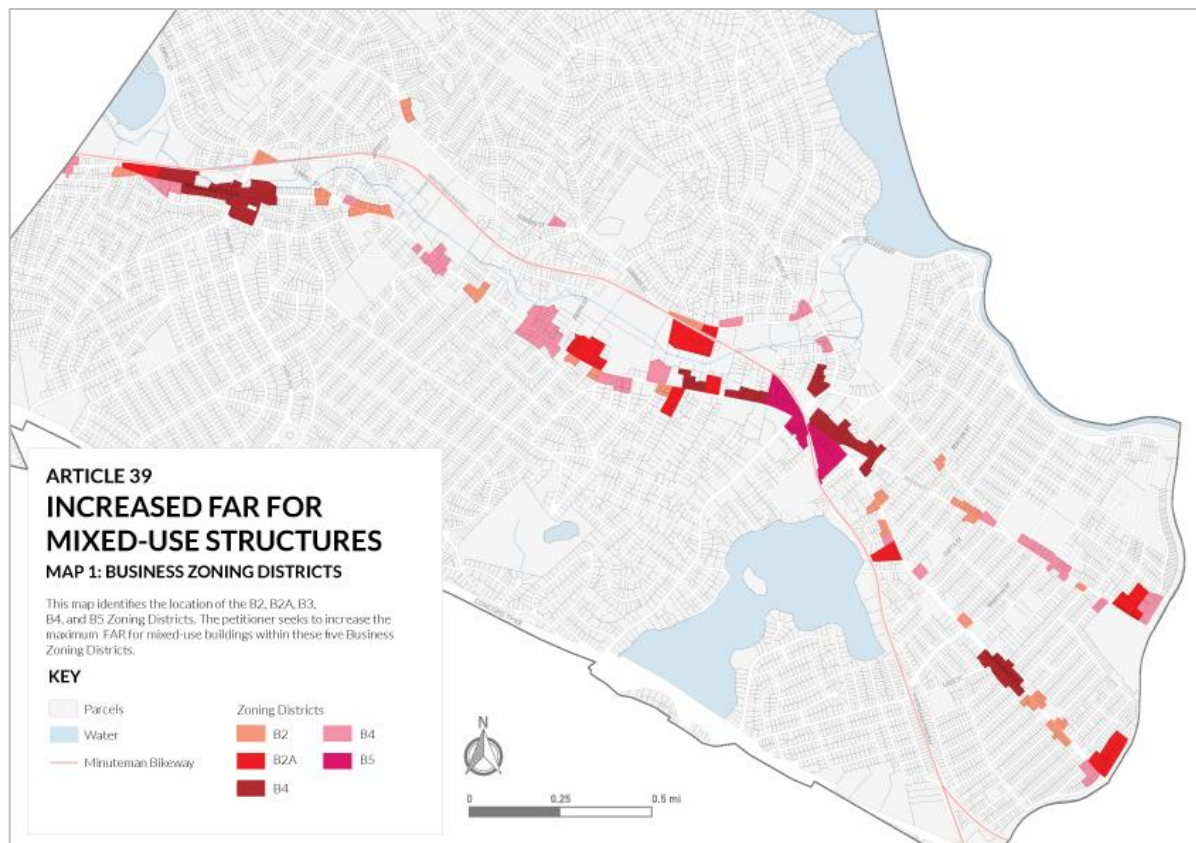
are provided through the requirement to include a 7 ½ foot step back from the front façade beginning at the fourth story of a building (Section 5.3.17), as well as through requiring a reduced height for buildings adjacent to the R0, R1, R2, or Open Space districts as described in Section 5.3.19.

- *Minimum lot area per unit (sf)*: the Zoning Bylaw stipulates a minimum lot area per dwelling unit for residential uses to control the maximum number of dwelling units, regardless of housing type. This minimum area varies from 0 to 700 square feet depending on the size of the lot and the zoning district. This means that regardless of any other dimensional restrictions, on a 20,000 square foot lot the zoning bylaw restricts the number of residential units to 28 to 33 units depending on the zoning district.
- *Non-dimensional constraints*: finally, parking requirements and the cost of providing structured parking place limits on the size of development, as surface parking detracts from the total developable area of a lot, while structured parking places cost constraints on a development.

Applicability of the proposed amendment

The proposed amendment addresses all mixed-use development in the Business Zoning Districts except for B1. These locations are highlighted in the map below. The petitioner seeks to increase the maximum FAR for these parcels to FAR, which they note is the same as the maximum specified in Watertown's Central Business District.

Mixed use developments on any of these properties are subject to ARB environmental design review procedures and standards under Section 3.4. Mixed-use zoning was adopted by Town Meeting in 2016 and applies to all Business districts only. It is not allowed in any other zone, including higher-density residential districts along primary transportation corridors.



Consistency with the Master Plan

Overall, the Zoning Bylaw lays out an array of dimensional restrictions that control height, density, and uses along Arlington's commercial corridors. FAR is but one element of these restrictions, however if it is not appropriately calibrated to other dimensional requirements it can either obstruct the ability of development to meet stated height maximums (if the FAR is too low and restricts development to a single or two stories despite a higher height allowance), or be a meaningless number (if the FAR is too high, in which case it never serves to control massing because it is not triggered after compliance with height, setback, and other dimensional requirements). Presently, while the Zoning Bylaw allows building heights up to 50 or 60 feet in the Business Zoning Districts, the FAR maximum is triggered long before—usually around one-and-a-half or two stories of proposed development. This amendment proposes to increase the FAR to 4.0 in nearly all Business Zoning Districts, however the goals for increasing the FAR to this specific number were not provided.

In 2015, the Arlington Master Plan was adopted with vision of growth and change. The plan acknowledges that commercial corridors can support increased growth while still preserving the residential character of lower-density neighborhoods and protecting open spaces. Both then and now the Town is faced with a general need for growth; more housing and more commercial space can help with the overall tax base. The Master Plan clearly lays out two goals for housing and residential development that the Town could move toward achieving with appropriate calibration of FAR: encouraging mixed-used development that includes affordable housing, particularly in well-established commercial areas, and providing a variety of housing options for a range of incomes, ages, family sizes, and needs. A clear understanding of the goals of the amendment—whether they are to increase economic development potential, provide additional affordable housing, or revitalize areas of Arlington's commercial corridors—is necessary to assess what could be achieved under the proposed maximum and its consistency with the Master Plan.

ARTICLE 34

ZONING BYLAW AMENDMENT / PORCH

To see if the Town will vote to amend the Zoning Bylaw to update Section 2 DEFINITIONS and Section 5.3.9 Projections into Minimum Yards to further define what constitutes a porch and include porches to the list of allowable projections into minimum yards; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

This amendment emerged from the Zoning Board of Appeals (ZBA) and their review of special permits, primarily for additions to single- and two-family buildings. It was subsequently reviewed by the Zoning Bylaw Working Group. Staff note that Section 5.3.9 applies to all zoning districts and would be applicable to properties under the Arlington Redevelopment Board's jurisdiction.

The Zoning Board of Appeals (ZBA) annually reviews between 15 to 20 requests for special permits annually, and each year hears two to four requests for a special permit under Section 5.3.9 Projections into Minimum Yards. The 2021 calendar year was an outlier, with 28 special permit hearings, 11 specifically regarding Section 5.3.9. Requests for a special permit under this Section 5.3.9 routinely arise from a property owner seeking to construct a farmer's porch or other large unenclosed porch at the front of their residence. The ZBA routinely approves these projections into the front yard with the condition that the added front portion of the building will not count toward the establishment of the foundation wall in a position closer to the street. The ZBA has noted that "porch" is not currently included in this Section 5.3.9 of the Bylaw and is seeking to add it to provide clarity.

Amend Section 2:

Porch: A covered area, open on at least one side, projecting from and structurally connected to a building.

Amend Section 5.3.9:

5.3.9 Projections into Minimum Yards

- A. Projecting eaves, chimneys, bay windows, balconies, open fire escapes, porches, and enclosed entrances not more than 25 square feet in floor area or more than one story high, which do not project more than three and one-half feet beyond the line of the foundation wall may extend beyond the minimum yard regulations otherwise provided for the district in which the structure is built. ~~E-Porches and enclosed entrances~~ larger than that allowed above may extend into the minimum yard regulations otherwise provided for the district by special permit.

ARTICLE 35

ZONING BYLAW AMENDMENT / YARD ENCROACHMENT

To see if the Town will vote to amend the Zoning Bylaw to update Section 5.3.9 Projections into Minimum Yards to require a special permit before floor area in a setback is enclosed; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

Like Article 34, this proposed amendment is relevant to special permits granted by both the Redevelopment Board and the Zoning Board of Appeals (ZBA). This amendment emerged from the ZBA and their review of special permits primarily for single- and two-family additions. It was subsequently reviewed by the Zoning Bylaw Working Group.

As described in Article 34, a porch can be added to a building within the minimum front yard setback through the granting of a special permit under Section 5.3.9 Projections into Minimum Yards. Article 34 clarifies that a porch is open on at least one side. Currently, applicants proposing to enclose a porch are allowed to do so by right. The proposed amendment would require that enclosing porches and other similar spaces can only be done with a special permit.

Upon further review of the original vote language, staff observed a potential conflict with state Building Code regarding foundation walls, as the original proposed vote language included an in-text definition of a foundation. Staff recommend striking this clause as highlighted in the text below.

Amend Section 5.3.9:

5.3.9 Projections into Minimum Yards

- A. Projecting eaves, chimneys, bay windows, balconies, open fire escapes, and enclosed entrances not more than 25 square feet in floor area or more than one story high which do not project more than three and one-half feet beyond the line of the foundation wall may extend beyond the minimum yard regulations otherwise provided for the district in which the structure is built. Enclosed entrances larger than that allowed above may extend into the minimum yard regulations otherwise provided for the district by special permit.
- B. Unenclosed steps, decks, and the like, which do not project more than 10 feet in the front yard, or more than five feet in the side yard beyond the line of the foundation wall may extend beyond the minimum yard regulations otherwise provided for the district in which the structure is built. Unenclosed steps, decks, and the like which do not project more than 10 feet into the required rear yard and are not closer to the lot line than half the size of the required yard, may extend beyond the minimum yard regulations otherwise provided for the district in which the structure is built
- C. Second story additions within the required front yard setback may extend no more than one foot beyond the existing building wall.
- D. Unenclosed porches, decks, steps, and landings in the required setback are not considered to be within the foundation wall and may not be enclosed, extended, or built upon except by special permit. Enclosing a porch, deck, steps, or landing shall not allow for any further projection into the required setback by later enclosed or unenclosed additions.

ARTICLE 36

ZONING BYLAW AMENDMENT / LARGE ADDITIONS

To see if the Town will vote to amend the Zoning Bylaw to update Section 5.4.2 Large Additions to clarify how the applicable area is to be calculated; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

Section 5.4.2 Large Additions outlines the criteria by which an addition qualifies as a large addition and therefore requires a special permit. Under the current subsection 5.4.2.B(6), the determination of whether a proposed addition is a “large addition” can be made using two different requirements. This dual requirement creates some confusion within the Zoning Board of Appeals (ZBA), which is the Special Permit Granting Authority that primarily hears requests for large additions, as to whether the less or more restrictive requirement applies. This amendment clarifies the requirement by indicating that the more restrictive applies. This amendment was subsequently reviewed by the Zoning Bylaw Working Group.

The amendment also attempts to clarify the sources of gross floor area which are used to determine whether an addition qualifies as a large addition. Upon further review of the potential impact of the original vote language, staff recommend revising the last sentence in this Section 5.4.2 as noted below. In 2021, the Inspectional Services Department processed building permit requests for 42 projects that would have required a special permit had the original proposed language been in effect. Given this information, staff recommend the Board consider revising the last sentence as proposed in the highlighted text, which accomplishes the original goal of clarifying the calculation by which large additions are determined.

Amend Section 5.4.2:

5.4.2 Dimensional and Density Requirements

- B. Exceptions to Minimum Lot Area, Minimum Front Yard Lot Width, Frontage, Open Space, Side Yard, and Height Requirements in the R0, R1, and R2 Districts.
- (1) The following applies to any lot shown on a subdivision plan approved by the Board of Survey or on a plan or deed recorded with the Registry of Deeds prior to May 15, 1924. If such lot did not contain a principal building or a building permit was not issued prior to August 28, 1975, the minimum lot size, frontage, open space, and side yard requirements for a residential use shall not apply, and the lot may be built upon with a single- or two-family residential use if permitted in the applicable district, provided that:
 - The lot contains at least 5,000 square feet of area and 50 feet of frontage, and
 - The lot was not held in common ownership with any adjoining land, and
 - The lot conformed to then-existing dimensional and density requirements at the time that it was shown on an approved plan or by recorded deed or plan, and
 - The minimum open space requirements of this section are satisfied.
 - (2) Exemption for particular streets. The following shall apply to lots on Sunnyside Avenue, Gardner Street, Silk Street, Marrigan Street, and Fremont Street if shown on separate subdivision plans recorded with the Registry of Deeds prior to August 28, 1975. The minimum lot size, minimum frontage, and minimum side yard requirements for residential uses in the R2 district shall not apply, and a single-family dwelling attached to one other single-family dwelling on an adjoining lot as of August 28, 1975, shall be considered a building lot.
 - (3) R0 District Minimum Lot Area Exception. Any lot shown on the Zoning Map as proposed by the zoning bylaw change first advertised on February 21, 1991, as being in the R0 district, and which was recorded with the Registry of Deeds on or before February 21, 1991, and which did not contain a principal building, or for which a building permit was not issued, may be built upon

with a single family residential use provided that the lot contains not less than 6,000 square feet of area and 60 feet of frontage.

- (4) Front Yard Minimum Lot Width Requirements and Exceptions. The minimum front yard lot width shall be 50 feet at all points between the front lot line and the nearest building wall, except that such minimum front yard lot width shall not apply to (i) any lot excepted under Section 5.4.2(B)(1) or 5.4.2(B)(2) or 5.4.2(B)(8) or (ii) restoration of any principal building that existed on a lot or for which a building permit was issued prior to February 1, 1988.
- (5) Calculation of Building Height. On a lot with a slope more than 5%, building height is the vertical distance of the highest point of the roof above the average finished grade of the ground using grade plane as defined in the State Building Code.
- (6) Large Additions. No alteration or addition which increases the gross floor area of a building by the lesser of (a) 750 square feet or more, or by (b) 50% or more of the building's gross floor area on the date of application for a permit, or because of cumulative alterations or additions during the previous two years, shall be allowed unless:
 - The addition is constructed entirely within the existing foundation walls, or
 - The Board of Appeals, acting pursuant to Section 3.3, finds that the alteration or addition is in harmony with other structures and uses in the vicinity.

In making its determination, the Board of Appeals shall consider, among other relevant facts, the proposed alteration or addition's dimensions and setbacks in relation to abutting structures and uses. The increase in gross floor area used to determine the applicability of this section shall only include additions outside the existing footprint of the building proposed sources of increased gross floor area.

Increasing FAR Limits in Arlington

Xavid Pretzer

What's stopping mixed use?

Arlington has lovely mixed use buildings that would be illegal to build today.

Why?

Floor Area Ratio.



What's stopping mixed use?

In 2016 Arlington Town Meeting voted to allow mixed use buildings as tall as 5 stories (with stepbacks) in business districts, but this has led to little change.

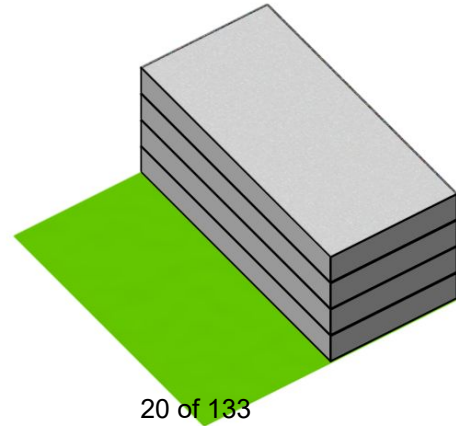
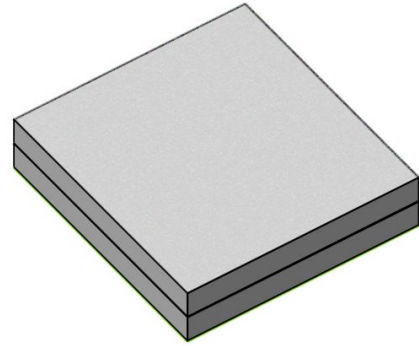
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Floor Area Ratio.



What is FAR?

- Floor Area Ratio is the gross floor area of buildings on a lot divided by the lot's area
- For example, (ignoring other requirements) a building with a FAR of 2 could be:
 - a two-story building covering the entire lot,
 - a four-story building covering half the lot, or
 - many other variations with the same gross floor area



Business (“B”) Districts

- Arlington’s business districts are on or near Mass Ave and Broadway
- Allow commercial and mixed-use buildings
- A mix of single and multi-story buildings

Current Status Quo

- Max FAR for mixed-use in B districts: 1.0 to 1.8
- Zoning theoretically allows 3-5 stories, but these FAR limits make this impractical

Article 39 Proposal

- Increase the FAR maximum for mixed-use buildings in B2-B5 districts to 4.0

District	Max Floor Area Ratio (FAR)
B2	
Mixed-use \leq 20,000 sq. ft.	1.50 <u>4.00</u>
Mixed-use $>$ 20,000 sq. ft.	1.00 <u>4.00</u>
B2A	
Mixed-use \leq 20,000 sq. ft.	1.50 <u>4.00</u>
Mixed-use $>$ 20,000 sq. ft.	1.00 <u>4.00</u>
B3	
Mixed-use \leq 20,000 sq. ft.	1.50 <u>4.00</u>
Mixed-use $>$ 20,000 sq. ft.	1.40 <u>4.00</u>
B4	
Mixed-use \leq 20,000 sq. ft.	1.50 <u>4.00</u>
Mixed-use $>$ 20,000 sq. ft.	1.00 <u>4.00</u>
B5	
Mixed-use \leq 20,000 sq. ft.	1.80 <u>4.00</u>
Mixed-use $>$ 20,000 sq. ft.	1.40 <u>4.00</u>

Why increase FAR limits?

- In line with Arlington's Housing Production Plan and Master Plan
- Produce Affordable units via Inclusionary Zoning
- Support public transit
- FAR doesn't determine what buildings look like: our other requirements like setbacks work better
- Increase Arlington's tax base via new growth
- Make development other than 40B possible and practical
- Increase vibrancy along Mass Ave and Broadway

Example Buildings

- To get a sense of what we could accomplish by improving our FAR limits, I wanted to share some examples of buildings currently in town.
 - These buildings wouldn't be allowed today under our current FAR limits!
- Also, to compare, some other buildings we couldn't build today (that my proposal would legalize)

204 Mass Ave: the Capitol Block

- District: B3
- Gross Floor Area: 61448 sq ft
- Lot Area: 23810 sq ft
- FAR: 2.6
- Max FAR under current zoning: 1.4



5 Water Street Offices

- District: B5
- Gross Floor Area: 36656 sq ft
- Lot Area: 16515 sq ft
- FAR: 2.2
- Max FAR under current zoning: 1.8



Proposed 190 Mass Ave Mixed-Use

- Proposed FAR: 3.2
- Limited by current B3 zoning to 1.5
- Would include 20% Affordable housing, above the Inclusionary Zoning min of 15%
- Includes units over parking, rather than a surface parking lot
- ARB unable to give a special permit in 2021 due to inflexible FAR limits



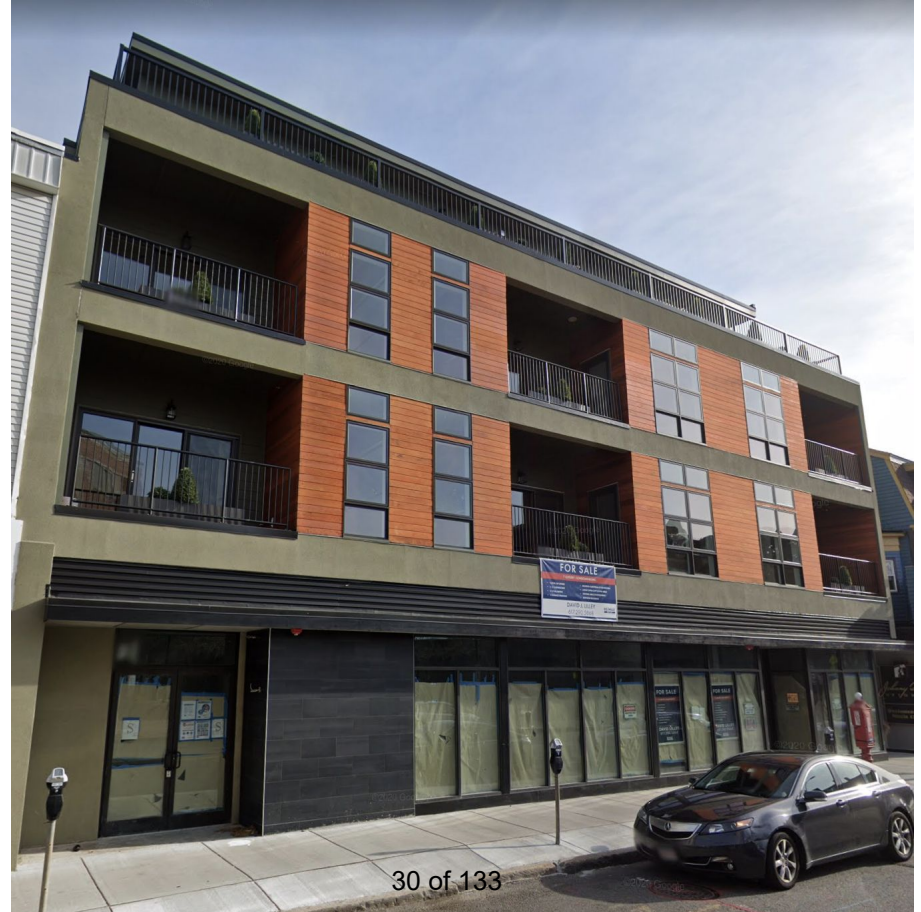
15 Main St, Watertown

- Gross Floor Area: 22,843 sq ft
- Lot Area: 8059 sq ft
- FAR: 2.8



17 Holland St, Davis Square

- Gross Floor Area: 14,633
- Lot Area: 4475
- FAR: 3.27



Conclusion

- We have an opportunity to:
 - Legalize buildings we love
 - Strengthen the vitality of Mass Ave and Broadway
 - Increase tax revenue, *and*
 - Make the height limits already approved by Town Meeting possible in practiceby increasing FAR limits in business districts.
- This is a small but important change to promote housing creation, public transit, and walkability.
- We have the power to improve our town's zoning, and the time to do so is now.

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Xavid Pretzer

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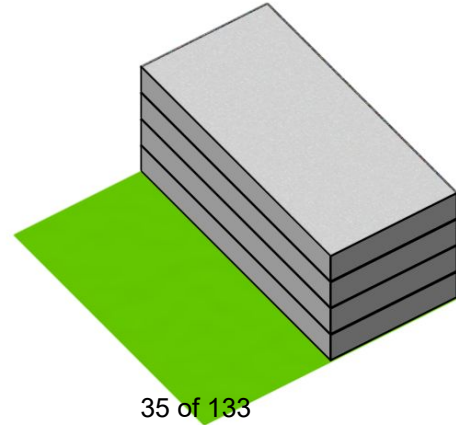
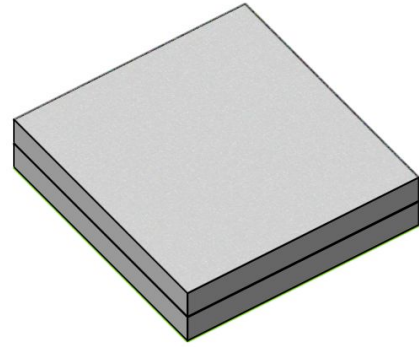
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Dear Arlington Redevelopment Board,

My proposed zoning amendment increases the Floor Area Ratio limit for mixed use buildings in business districts. I believe the amendment complies with MGL Chapter 40A Section 5 (Housing Choice), because it increases the permissible density of mixed-use development, and therefore is eligible for a simple majority voting threshold.

Specifically, because the amendment increases Floor Area Ratio limits, it qualifies under the criteria for a zoning amendment that “changes dimensional standards such as lot coverage or floor area ratio, height, setbacks, minimum open space coverage, parking, building coverage to allow for the construction of additional residential units on a particular parcel or parcels of land.” (The proposed change would allow additional residential units on many parcels of land in Arlington’s business districts, specifically for example the 190 Mass Ave block.)

Thank you for your consideration of my proposal.

Sincerely,
Xavid Pretzer, Article Proponent



Town of Arlington, Massachusetts

Continued discussion of Special Town Meeting Zoning Warrant Articles

Summary:

9:30 p.m. Continued discussion regarding possible amendments to sign bylaw, family child care uses, and nonconforming single-family or two-family dwellings.

ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	Legal_Notice_for_STM_2022.pdf	Legal Notice for Special Town Meeting 2022



**Town of Arlington
Redevelopment Board
730 Massachusetts Avenue
Arlington, MA 02476**

**Legal Notice
Public Hearing
Zoning Bylaw Amendments**

In accordance with the provisions of the Town of Arlington, Massachusetts Zoning Bylaw and Massachusetts General Laws Chapter 40A, a public hearing will be held by the Arlington Redevelopment Board (ARB) on **Thursday, April 7, 2022**. The ARB will hear public comments on the proposed amendments to the Zoning Bylaw. After receiving public comments, the ARB will deliberate and make recommendations on the proposed amendments on Monday, April 25, 2022 for the spring Special Town Meeting.

The following articles propose changes to the Zoning Bylaw and are the subject the public hearing scheduled for **Thursday, April 7, 2022, beginning at 9:00 PM**, via Zoom at <https://town-arlington-ma-us.zoom.us/j/83800493860>, Meeting ID: 838 0049 3860, or by calling (646) 876-9923 Meeting ID 83800493860#

ARTICLE A (tentatively scheduled, subject to change)

ZONING BYLAW AMENDMENT/ FAMILY CHILD CARE

To see if the Town will vote to amend the Zoning Bylaw to update Section 2 Definitions, Section 5.4.3 Use Regulations for Residential Districts, Section 5.5.3 Use Regulations for Business Districts, and Section 5.6.3 Use Regulations for MU, PUD, I, T, and OS DISTRICTS to allow family child care as a by right use and to set standards and requirements in all Residential, Business, and MU districts; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

ARTICLE B (tentatively scheduled, subject to change)

ZONING BYLAW AMENDMENT/ SIGNS

To see if the Town will vote to amend the Zoning Bylaw to update Section 2 Definitions and Section 6.2 Signs to create a new sign type located at shared mobility and electric vehicle charging stations; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

ARTICLE C (tentatively scheduled, subject to change)

ZONING BYLAW AMENDMENT/NONCONFORMING SINGLE-FAMILY OR TWO-FAMILY DWELLINGS

To see if the Town will vote to amend the Zoning Bylaw to update Section 8.1.3 Nonconforming Single-Family or Two-Family Dwellings to modify or remove Section 8.1.3 C; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

The ARB will deliberate and may vote on the proposed amendments on **Monday, April 25, 2022 beginning at 7:00 PM**, via Zoom at <https://town-arlington-ma-us.zoom.us/j/89642661141>, Meeting ID: 896 4266 1141, or by calling (646) 876-9923, Meeting ID 89642661141#.

Information regarding these proposed amendments to the Zoning Bylaw is available on Thursday, March 24, 2022 may be viewed at the front counter of the Department of Planning and Community Development at 730 Massachusetts Avenue, at the main desk of the Robbins Library at 700 Massachusetts Avenue, or viewed and downloaded from the Redevelopment Board webpage of the Town's website at www.arlingtonma.gov/arb.

Rachel Zsembery, Chair
Arlington Redevelopment Board

AA 3/24/22, 3/31/22



Town of Arlington, Massachusetts

Correspondence Received

Summary:

Correspondence received from:

M. Rizkallah 2-25-2022
L. Maida, Maida Pharmacy 3-2-2022
N. Mann 3-5-2022
P. Parise 3-6-2022
E. Pyle 3-6-2022
D. Seltzer 3-6-2022
S. Blagden 3-7-2022
E. Cahill 3-7-2022
C. Carney 3-7-2022
C. Cunningham 3-7-2022
B. Kun 3-7-2022
L. Vivenzio 3-7-2022
J. Weber 3-7-2022
A. Hollman 3-8-2022
R. Peterson 3-8-2022
J. Weber 3-8-2022
T. Allor 3-11-2022
E. Fischer 3-11-2022
R. Lemp 3-12-2022
X. Pretzer 3-12-2022
S. Berczuk 3-13-2022
L. Curtis 3-13-2022
J. Susse 3-13-2022
S. Blagden 3-14-2022 (two letters)
J. Brodman 3-14-2022
C. Gibson 3-14-2022
R. Jacob 3-14-2022
B. Lowe 3-14-2022
S. Smith 3-14-2022 (two letters)
A. Bala 3-15-2022
B. Eastwood 3-16-2022
J. Fleming 3-16-2022
M. Fudala 3-16-2022
S. Hansel 3-16-2022
N. Angus 3-17-2022
J. Fleming 3-17-2022
P. Parise 3-18-2022
T. Allor 3-19-2022
D. Bradley 3-19-2022
D. Seltzer 3-19-2022
S. Blagden 3-30-2022
A. Hollett 3-20-2022
B. Borgia 3-21-2022
C. Doherty 3-21-2022

L. Curtis Hayes 3-21-2022

C. Pedersen 3-21-2022

L. Wiener 3-21-2022

ATTACHMENTS:

Type	File Name	Description
Reference Material	Article_F_-_Rizkallah_Support_Letter_-_150_Mass_Ave_Rezoning.pdf	Correspondence from M. Rizkallah received 2-25-2022
Reference Material	Article_F_-_Maida_Pharmacy_Letter_re_Rezoning.pdf	Correspondence from L. Maida received 3-2-2022
Reference Material	Correspondence_from_N._Mann_received_3-5-2022.pdf	Correspondence from N. Mann received 3-5-2022
Reference Material	Correspondence_from_P._Parise_recieved_3-6-2022.pdf	Correspondence from P. Parise received 03062022
Reference Material	Correspondence_from_E._Pyle_received_3-6-2022.pdf	Correspondence from E. Pyle received 03062022
Reference Material	Correspondence_from_D._Seltzer_received_3-6-2022.pdf	Correspondence from D. Seltzer received 3-6-2022
Reference Material	Correspondence_from_S._Blagden_received_3-7-2022.pdf	Correspondence from S. Blagden received 0307022
Reference Material	Correspondence_from_E._Cahill_received_3-7-2022.pdf	Correspondence from E. Cahill received 03072022
Reference Material	Correspondence_from_C._Carney_received_3-7-2022.pdf	Correspondence from C. Carney received 03072022
Reference Material	Correspondence_from_C._Cunningham_received_3-7-22.pdf	Correspondence from C. Cunningham received 03072022
Reference Material	Correspondence_from_B._Kun_received_3-7-2022.pdf	Correspondence from B. Kun received 03072022
Reference Material	Correspondence_from_L._Vivenzio_received_3-7-2022.pdf	Correspondence from L. Vivenzio received 03072022
Reference Material	Correspondence_from_J._Weber_received_3-7-2022.pdf	Correspondence from J. Weber received 03072022
Reference Material	Correspondence_from_A._Hollman_received_3-8-2022.pdf	Correspondence from A. Hollman received 03082022
Reference Material	Correspondence_from_R._Peterson_received_3-8-2022.pdf	Correspondence from R. Peterson received 03082022
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Reference Material	Correspondence_from_L._Curtis_received_3-13-2022.pdf	Correspondence from L. Curtis received 03132022

Reference Material	Correspondence_from_J._Susse_received_3-13-2022.pdf	Correspondence from J. Susse received 03132022
Reference Material	Correspondence_from_S._Blagden_received_3-14-2022.pdf	Correspondence from S Blagden received 3-14-2022
Reference Material	Correspondence_from_S._Blagden_received_3-14-2022_#2.pdf	Correspondence from S. Blagden received 03142022 #2
Reference Material	Correspondence_from_J._Brodman_received_3-14-2022pdf.pdf	Correspondence from J. Broadman received 3-14-2022
Reference Material	Correspondence_from_C._Gibson_received_3-14-2022.pdf	Correspondence from C. Gibson received 3-14-2022
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Reference Material	Correspondence_from_N._Angus_received_3-17-2022_(via_USPS).pdf	Correspondence from N. Angus received 3-17-2022
Reference Material	Correspondence_from_J._Fleming_received_3-17-2022.pdf	Correspondence from J. Fleming received 3-17-2022
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Reference Material	Correspondnece_from_C._Pederson_received_3-21-2022.pdf	Correspondence from C. Pedersen received 03212022
Reference		Correspondence from L.

▣ Material Correspondence_from_L._Wiener_received_3-21-2022.pdf Weiner received 03212022

FROM THE DESK OF

Dr. Mouhab Zakhari Rizkallah

Feb 25, 2022

TO: The Arlington Redevelopment Board

RE: 150 Mass Ave, Arlington

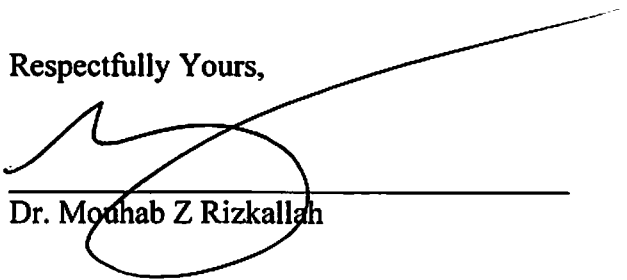
Dear Arlington Redevelopment Board,

I am the owner of the property at 150 Mass Ave, Arlington.

This letter is in support of the proposed zoning map amendment (Article F: Expand Business Districts).

I appreciate the proponent's dedication to his neighborhood, and am perfectly fine with the map change to B3.

Respectfully Yours,



Dr. Mouhab Z Rizkallah

From: Lawrence Maida <lamaida@maidapharmacy.com>
To: jraitt@town.arlington.ma.us
Date: 03/02/2022 12:47 PM
Subject: Article F zoning map ammendment

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.

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Maida Pharmacy Compounding is opposed to the rezoning from residential to proposed B3.

1. Parking
- 2.competition
- 3.been here since 1933 now a 4th generation
- 4.we been here for 90 yrs.
5. I talked to to neibors say NO

From: Nora Mann <noramann2@gmail.com>
Date: March 5, 2022 at 3:29:37 PM EST
To: Jenny Raitt <JRaitt@town.arlington.ma.us>
Subject: ARB Meeting 3/7/22 Proposed Warrant Article re: Two Family

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.

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Dear Ms. Raitt and Members of the Arlington Redevelopment Board:

I write in support of the proposal, being presented to the ARB on Monday, 3/7/22 by Annie LaCourt and Laura Weiner to allow two-families to be built by right in these areas; no other changes to lot size, frontage, height, setbacks, or open space requirements. I need not repeat the proponent's arguments, though they appear to be sound and comprehensive. My perspective is as a longtime resident, former longtime member of the ARB, former longtime (and hopefully future) member of TM (pct 20) and advocate for housing access and equity. I know, as you do, that there is no single solution to the housing crisis - here in Arlington or regionally. This proposal should be put before TM and as a member of TM I will support its passage.

It is one tool in a multi-pronged effort to increase supply and, over time, address access and costs. The impact will be incremental, we will not see any immediate or overwhelming change in our neighborhoods. My house - a single family - won't suddenly become multi family nor will I be required to sell - at the appropriate time - to a developer.

It offers options, and supports a more fulsome discussion about how to address housing and equity in our community. I look forward to an opportunity to be a part of that conversation and I appreciate your consideration of this important topic.

Sincerely,

~n

--

Nora Mann (she, her, hers)
339-368-0495

Begin forwarded message:

From: Paul <paul456x@gmail.com>
Date: March 6, 2022 at 6:41:24 PM EST
To: Jennifer Raitt <jrait@town.arlington.ma.us>
Cc: Eugene Benson <EBenson@town.arlington.ma.us>, Kin Lau <KLau@town.arlington.ma.us>, Melisa Tintocalis <mtintocalis@town.arlington.ma.us>, Rachel Zsembery <RZsembery@town.arlington.ma.us>, Stephen Revilak <srevilak@town.arlington.ma.us>
Subject: Warrant Article 38 Comment

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Please note my comment below regarding the review of Article 38 by the Redevelopment Board at the upcoming March 7th meeting..

Please add this communication to the correspondence received for this meeting and any other consideration of proposed Warrant Article 38.

Thank you.

ARTICLE 38
ZONING BYLAW AMENDMENT / TWO FAMILY CONSTRUCTION ALLOWED BY RIGHT IN R0 AND R1 RESIDENTIAL ZONES

I have lived here for more than 40 years.

I chose to purchase and live in a single family neighborhood. I moved here from a multi-family neighborhood in the city.

In my opinion, this article takes away my right to continue to live in a neighborhood of my choosing (i.e., single family)

This article reduces the number of housing choices in Arlington.

As I understand, of the total Arlington housing stock available, only 39% are single family residences. The majority of our residences are multi-family.

Many single family lots are non-conforming and not suitable for two- or multi-family dwellings without potentially imposing significant quality of life issues for the abutters, including loss of light, loss of privacy, and other infringements on the quiet enjoyment of our existing property.

I urge the Board to REJECT this proposed warrant article.

In addition, with respect to process, I do not understand the issues, if any, that may arise with the board hearing a citizen's article that includes a member of the board as one of the article's sponsors/supporters. I would expect that that board member may recuse him/herself from voting on such an article to avoid any appearance of impropriety, if necessary.

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Sincerely,

Paul Parise
106 Hemlock St.

From: Elizabeth Pyle <elizabeth.m.pyle@gmail.com>

Date: March 6, 2022 at 12:52:42 PM EST

To: Jenny Raitt <JRaitt@town.arlington.ma.us>, Eugene Benson <EBenson@town.arlington.ma.us>, klau@town.arlington.ma.us, sreivilak@town.arlington.ma.us, mtintocalis@town.arlington.ma.us, rzseberry@town.arlington.ma.us

Subject: Proposed Article 38, two-family construction allowed by right in R0 and R1 zones

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Dear Members of the Redevelopment Board,

I am writing to request that you vote "No Action" on proposed Article 38, which would allow two-family construction by right in the R0 and R1 Residential Zoning Districts. This article would have detrimental unintended consequences for our Town, and it will not increase affordable housing.

By way of introduction, I am a land use and zoning attorney at Hill Law, with more than 20 years experience in residential zoning matters. My law firm regularly consults with municipalities to advise them on affordable housing issues, including by serving as special Town Counsel on affordable housing matters.

I was also a member of Arlington's Residential Zoning Study Group (the "RSG") for its entire three-year existence, from 2016-2019. The RSG was formed through a Town Meeting resolution to study the impacts of new construction on the residential zoning districts, and to recommend potential zoning changes. The RSG viewed Arlington neighborhoods with large numbers of teardowns/rebuilds, and received input from developers, residents, realtors and members of Inspectional Services. RSG members developed a consensus that many proposed zoning changes could easily have negative unintended consequences, and that it was important to study and debate any proposed zoning changes with all stakeholders.

My single biggest take-away from serving on the RSG was that single-family houses located in the 2-family residential districts were specially targeted for teardown/rebuilds, and that this was detrimental to Arlington from a public policy perspective. On the RSG, I learned that mid-level or more affordable single family "starter homes" in Arlington were often subject to teardown/rebuilds when they could be replaced with a two-family home at the same location. However, the newly-built two-family homes were vastly more expensive than the homes they replaced, leading to an increase of luxury units at the highest price points. For example, it was not uncommon for a single-family home to be sold for \$600,000-\$700,000 only to be replaced by two units in a duplex selling for \$900,000 to \$1 million each. This replacement of less expensive homes with luxury units increases our affluent population, puts upward pressure on the valuations of nearby homes, and ultimately makes our community less affordable. It also decreases housing choices in the mid-level market. Over time, the increase in home values also raises property taxes for the surrounding residences, putting additional burdens on seniors and other lower-income residents, further creating conditions that drive out lower-income people from our community.

Also when I was on the RSG, I saw that new two-family homes in Arlington are constructed to the maximum size of the building envelope permitted under the Bylaw, in order to increase developer profit and accommodate the square footage necessary for two units. This causes a loss of green space, yards, and mature trees in our residential districts, which makes our community less resilient to flood storage and climate change impacts.

If proposed Article 38 was implemented, increasing gentrification and loss of green space would occur throughout the R0 and R1 districts, instead of just in those few locations where a single family house is

60 of 133

located in a R2 zone. The consequences of such impacts are serious and wide-ranging, and should not be endorsed by the Redevelopment Board without significant study, community outreach and professional analysis. For example, Article 38 should not be recommended without consultation with Arlington's Finance Committee, so that the impact on the school population and budgetary overrides can be assessed.

What the proponents of eliminating single-family housing appear not to appreciate is that Arlington, as an individual town, cannot be separated from the supply and demand of the housing market in the greater-Boston metropolitan area. If Arlington builds more two-family housing, it will be only for affluent buyers of luxury units who will move to Arlington from surrounding communities because of the highly-rated school system and desirable location close to Boston. No matter how many new duplexes are built, it will not increase affordable housing in Arlington, because the regional demand for luxury units in greater-Boston will drive the market.

Arlington also should not be the first and only "test case" for eliminating single-family housing in Massachusetts. Instead, legislation recently signed by the governor shows a way forward to increase multi-family housing on a regional basis, by requiring all communities served by the MBTA to enact multi-family zoning near public transportation stations. The new legislation equitably asks all municipalities to add some density as part of a regional solution to the housing crisis, without the burdens of going it alone or being first. Arlington should give this new legislation a chance to work before adopting untested measures like eliminating single-family housing.

For these reasons, I urge you to vote "No Action" on Article 38.

Sincerely yours,

Elizabeth Pyle
66 Gloucester Street
Arlington, MA 02476
Town Meeting Member, Precinct 8

From: Don Seltzer <timoneer@gmail.com>
Date: March 6, 2022 at 4:12:15 PM EST
To: Jenny Raitt <JRaitt@town.arlington.ma.us>
Subject: Correspondence regarding Warrant Article 38

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TO: Arlington Redevelopment Board

In preparation for the hearing on this article, I would like to provide the Board with a simple summary of fuseful acts regarding the makeup of our R0 and R1 single family zoning districts. The numbers are based upon both the 2020 US Census and our local Assessor's database.

If there are any questions regarding this summary I would be pleased to provide further explanation and spreadsheet listings of all properties and their classification.

Don Seltzer

R0 and R1 Fact Sheet**39%**

Just 39% of Arlington's housing is single family. 61% consists of two family or more.

38%

Single family homes in R0 and R1 comprise just 1240 acres, which is only 38% of Arlington's land area

Diverse

The R1 district is Arlington's most diverse. Besides single family homes, it includes more than 600 multifamily households. It includes all of our schools and their playgrounds. It includes our churches and cemeteries. Town Hall, Robbins Library, two fire stations, and other municipal buildings are in R1, as well as Dept of Conservation and Recreation land. No other district approaches this level of diversity.

#12

Among the 351 cities and towns in the Commonwealth, Arlington ranks #12 in housing density. We are the 2nd densest town and denser than 2/3 of all cities.

From: STEPHEN B <srbz@aol.com>
To: rzsemlery@town.arlington.ma.us, KLau@town.arlington.ma.us, Eugene Benson <EBenson@town.arlington.ma.us>, MTintocalis@town.arlington.ma.us, Steve Revilak <steve@srevilak.net>
Cc: jraitt@town.arlington.ma.us
Date: Mon, 7 Mar 2022 12:12:55 -0500
Subject: Article 38 - Two Family Agenda item comments

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March 7, 2022

Re: Article 38 - Two Family

Chair and Board members,

This article proposes to add "TWO FAMILY CONSTRUCTION ALLOWED BY RIGHT IN R0 AND R1 RESIDENTIAL ZONES".

Allowing two units per lot in single family zones was already done last year with the ADU bylaw, with many of the same rationales used for this one.

Prudence and good Planning practice would be to wait 5 or 10 years or so to see how adding second units in the single family zone is working before expanding the scope and impact.

Article 38 actually quadruples down and incentivizes rapid change in single family neighborhoods.

Advertised as replacing one single family with a two family/duplex, the change would allow, by-right, a two family and two Accessory Dwelling Units, for a total of four dwelling units where there is now one.

Article 38 incentivizes rapid change because it creates great profit potential by tearing down most any non-pristine home and replacing with two large, expensive units, possibly including two additional income units to raise the price even more. It is common practice for builders to solicit people to sell homes to them. The higher profit potential created by Article 38 will increase this practice, increase the selling price of existing homes and further price out middle income buyers.

The State of California recently allowed, by-right, building of four units where a single family currently exists.

Filling the gap of home owners who want to tap into the profit potential but can't afford it, companies have started offering profit sharing, where a developer will build the units, the owner gets to stay, and the owner gets 80% of the profit. See here:

<https://www.homestead.is>

There is no reason that could not happen in Arlington, weakening the argument that change will occur very, very, slowly.

The memo presents the change as a benefit to property owners.

The greater benefit actually goes to builders, developers and house flippers.

If you look at building permits for new construction and major remodels, the vast majority are issued to builders or development companies that have purchased and demolished existing homes.

The large increase in value and utility did not go to the original property owner but to the builder/developer.

There is nothing wrong with what the builder is doing. They are operating in the framework the town provides for them.

It is up to town government, and elected and appointed officials to ensure development does not change the character of the town beyond what the residents want.

That these teardowns and new construction happen so easily points to a deficiency in the Special Permit process.

Someone adding 1000 sf to a 2000sf house needs to get a Special Permit, but someone tearing down the same 2000 sf house and building a 4000sf house, no problem, even though the same or greater effects occur that the Special Permit process exists for, but I'll leave that topic for another time.

The Memo and Presentation use an Orwellianish logic that removing single family housing increases choice for housing seekers. Buyers have a choice now of single family, two family, or condoized two families. How does reducing options increase choice?

A Housing Production Plan chart shows school age children concentrated in single family housing.

This makes sense as when families form and children arrive it is a natural desire to live in a place of their own; a life stage.

By removing single family zoning, Arlington is telling families with school age children, "We don't have a place for you, look elsewhere".

This will not affect the salability of Arlington properties as the market is regional.

Over time, it will affect demographics, culture and schools. Is this what you want? Is this what residents want?

Planning and Zoning changes should be made after careful consideration and with the expectation property owners will take advantage of the changes.

With Article 38, the Memo minimizes the impact, stating there are not many properties in a circumstance to use it, and it will take a long time for appreciable change.

If it is the case the change will be so minimal and incremental, it would be better to just not do it.

The reality is that it is a race between builders and families to buy any non-pristine house that comes on the market.

Here is an example, of many, a 2200 square foot brick house, built in 1958, that many families would have been happy to purchase and fix up for \$860,000 in 2018, but was torn down and replaced by a 4600 square foot house:

<https://www.redfin.com/MA/Arlington/5-Old-Middlesex-Path-02474/home/8437248>

Single family and two family houses in the existing two family zone have been demolished and replaced by duplexes that dominate the lot, out of scale with surrounding homes, and with each unit selling for much more than the original house sold for.

Builders, naturally, maximize profit. They do that by building to the full structural envelope allowed by bylaws. They are not concerned with how it affects the neighbors, neighborhood, or affordability.

There is no "affordability" in this process. As has been said, Arlington is in a regional market. No matter how many units are built they will not be sufficient to move prices down.

If prices were to move down, developers do not build into a declining market, as seen during recessions.

Builders have land, material and labor costs. Unless one or more of those is subsidized by someone else, "affordable" is market price.

What are more affordable are the houses that are torn down, which middle income families will not get a chance to live in.

Both the Memo and Presentation use misleading statistics, including, "60% of total land area falling within the R0 and R1 Zoning Districts. Of Arlington's land zoned for residential use, 80% is restricted to single- family homes."

The Zoning Map includes schools, golf courses, churches, cemeteries, Town Hall, Robbins Library and other non-residential uses in the residential zone.

If the substantial land area of non-residential uses was properly zoned and deducted from the residential land area, those percentages are reduced.

The Zoning Map and bylaw should be revised to reflect actual land use for good and informed decision making.

The Presentation says, "*Smaller homes in shared structures have a lower carbon footprint per person than an equivalent single-family homes.*"

The reality is, that each side of the duplex is usually larger than the home it replaced, more than doubling the size of what was there before.

The Presentation says, "*Single family homes aren't suitable for everyone at all stages in their lives; some people can't afford it, while others may want to downsize but stay in Town*". This is true, but by eliminating single family zoning, those who are at the single family life stage and can afford it are out of luck with Article 38.

Attempting to mollify this reality by saying the change will occur over time does not change the end goal and result.

The Presentation says, "*Because the dimensional regulations don't change, the housing is similar in appearance to others in the neighborhood.*"

In other words, "don't believe your lying eyes." The duplexes built to replace existing single family or two family houses are built to or close to the limits and are glaringly larger than the others in the neighborhood.

If the desire is to have the Presentation statement be true, Article 38 should include language that the replacement structure should be built in the same building envelope as the existing home, or some small percentage larger.

The Presentation says, "*Bonus: A Tour of Arlington's Illegal Neighborhoods*"

Unfortunately, this section is false and misleading.

If one looks at the Assessor Database and past Zoning Maps, the houses deemed “illegal”, were built prior to the original 1924 Zoning bylaw, were legal when built and are currently legal non-conforming, or were legally built under an earlier Zoning bylaw.

One could look at the “illegal” houses shown and acknowledge that it was these types of mismatches that lead to the desire to have a Zoning Code and orderly development in the first place.

Rather than look at the examples and say we already have mixed housing, one could ask if we want to go back to disorderly development with four unit houses (two family + two ADUs) adjacent to single family homes?

Stephen Blagden

p.s. The proposed motion language appears to create an internal conflict in the by-law.

From: <eileentighecahill@gmail.com>
To: <EBenson@town.arlington.ma.us>, <KLau@town.arlington.ma.us>, <mtintocalis@town.arlington.ma.us>, <srevilak@town.arlington.ma.us>, <rzseberry@town.arlington.ma.us>
Date: Mon, 7 Mar 2022 14:05:00 -0500
Subject: Proposed Town Meeting Article 38

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Dear Arlington Redevelopment Board Members,
Please include my comments in the public record. Thank you.

I am writing with serious concern over proposed Town Meeting Article 38. I urge you to reject it.
I am writing to you as a concerned Arlington resident. Town Meeting Article 38 does not consider the significant impacts a change to zoning would have on the town's infrastructure. Not considering impacts to infrastructure is irresponsible to the Town's finances and the health of the townspeople.
Changing the zoning to allow two family construction throughout the town is mind-blowing to me as a civil engineer. Sizing of infrastructure is all based on zoning. For example, when designing a sewer, an engineer looks at the zoning to determine how much flow will go to the sewer. The engineer counts the number of lots, and estimates flow per lot based on the likely number of bedrooms per lot. The sewer pipe is sized based on the estimated flow (which is based on the town zoning). Sewer pumping stations are based on estimated flows (which is based on zoning). The wetwells in a sewage pumping stations are designed to hold the proposed amount of wastewater, and pump efficiently to draw down the wastewater in the wetwells to convey the wastewater to the sewage force main. The wetwells, pumps and force main are all based on estimated wastewater flow (which is based on zoning). Increasing flow to the town sewage pumping stations would strain the pumps and the sewage force mains.
It would be completely irresponsible for the town to significantly change its zoning without considering impacts to infrastructure. The Town of Arlington already has failing water, sewer and roadway infrastructure, based on the age of the town's infrastructure. Trenchless sewer repairs are happening all over town, likely to reduce infiltration to aged and broken pipes. Trenchless sewer pipe lining repairs do not increase the size of sewers. The DPW has at least 25 locations of "Trouble Spots" to check for sewer issues. The Town's system is old and in need of attention. That is to be expected, and it is wonderful we have a conscientious public works department to maintain our system. But, how can you increase flow without looking at the town's infrastructure?
This Town Meeting Article is intended to increase the town's population. How will the increased sewage flow be conveyed safely, so there are not sewage back-ups in basements, or back-ups into the streets through sewer manholes?
Water mains are sized the same way. It is based on the zoning. How will clean drinking water be safely conveyed throughout town without tremendous financial strain to the town of infrastructure upgrades?
Another consideration is the roads. The roads would have increased traffic, and more pavement issues to repair and rehabilitate.
Finally, trash disposal would be an issue. The Town already has a very bad rat infestation problem.
I urge the ARB to reject this Town Meeting Article. It is irresponsible to not consider impacts to the Town's infrastructure, and the costs associated with those impacts.
Please contact me with any questions you may have. I can be reached by email or phone at 617-335-8455.

From: Chuck Carney <chuckcarney@gmail.com>
To: EBenson@town.arlington.ma.us, KLau@town.arlington.ma.us, mtintocalis@town.arlington.ma.us, sreivilak@town.arlington.ma.us, rzsembery@town.arlington.ma.us
Date: Mon, 7 Mar 2022 13:34:50 -0500
Subject: Against Article 38

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Hi, I would like to offer my view on this article as you consider it's adoption.

If the goal for increasing affordable housing, I do NOT think Article 38 is the answer. Here are some reasons why:

- As we know, half of a house in Arlington is currently in the 800k+ range, which is not an affordable price for those in need of housing
- The article will accelerate the pace of "tear downs" to reap profits for developers, but not solving the affordable housing challenge
- These accelerated tear downs have many detrimental effects, except for developers. Those include
- Environmental and loss of green space, even with town regulations which can be bypassed by paying into a town tree fund
- Straining of public services, especially schools with the increase. While some may think the schools can handle it, there are challenges with recent spikes would only be exacerbated with this change
- Changing of the town landscape with the creation of more large "McMansions", already a concern for many and may be a matter of taste, but folks living here can have an opinion about their proliferation
- The increase of cars which will result from 3-4 person per dwelling, and for many, who cannot get access to the T / Alewife easily. Articles are being proposed to change on-street parking regulations, which fundamentally changes the feel of the town
- And more...

To address affordable housing, let's focus on supporting the Housing Corp of Arlington. And while some may think this topic was properly analyzed in the Housing Implementation Plan, it did not receive the transparency and participation necessary to fully represent the community and get feedback on concerns.

I think this article is very controversial and divisive and it was poor judgement to bring it forward without fully appreciating the issues it will cause.

Chuck Carney
2 Kimball Road

From: Colleen Cunningham <colleenpattypaige@gmail.com>
To: EBenson@town.arlington.ma.us, KLau@town.arlington.ma.us, mtintocalis@town.arlington.ma.us, srevilak@town.arlington.ma.us, Rachel Zsembery <rzsembery@town.arlington.ma.us>
Cc: Jenny Raitt <JRaitt@town.arlington.ma.us>
Date: Mon, 7 Mar 2022 06:59:20 -0500
Subject: opposition to the elimination of single family zoning in Arlington (Article 38)

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Good morning Jenny and ARB members,
Please include this letter in the official correspondence received for the upcoming hearing concerning Article 38 regarding the elimination of single family zoning.
Please confirm the inclusion of this letter for Monday night's meeting March 7, 2022

thank you,
Colleen Cunningham
Kensington Park

Opposition to elimination of single family zoning in Arlington (Article 38)

This warrant will have many detrimental results for the town. It will allow, over time, the elimination of all single family homes. It incentivizes developers and outside speculators to buy all single family homes, regardless of size and beauty of architectural styles, and tear them down to build as many “luxury” residences as they are allowed. It will only drive prices upward and will eliminate real choice.

Who benefits? No one but the property development/real estate industry. It certainly does not benefit current residents/taxpayers who chose their neighborhoods for a bit of green space/views/yards. It unethically breaks the implicit agreement with the town to live in a particular type of neighborhood made when the current owners purchased their homes. It certainly does not benefit potential future residents who seek to purchase a single family home in a suburb, but instead only will have the choice of a condo or apartment. The result will be a lack of diversity of housing styles as only modern condos and other multifamily housing will be available. Imagine our beautiful town without the architecture of various time periods anymore because the houses will be tragically torn down.

A result of eliminating single family or any other residential zoning may be property tax overrides for infrastructure, school buildings and services. It adds to the problem of increasing number of cars and traffic congestion, not to mention the environmental impacts of tearing down existing homes and trees.

I prefer preservation of Arlington's existing homes and open spaces rather than encouraging destructive tear downs in residential neighborhoods. The existing Arlington is the one I love and have lived in for my entire life.

Colleen Cunningham
Kensington Park

From: Beth Kun <beth.kun@gmail.com>
To: EBenson@town.arlington.ma.us, KLau@town.arlington.ma.us, mtintocalis@town.arlington.ma.us, srevilak@town.arlington.ma.us, rzsembery@town.arlington.ma.us, eric@ericforselectboard.com
Date: Mon, 7 Mar 2022 09:53:23 -0500
Subject: Concern about zoning changes

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Dear ARB ---

I am writing to you as a homeowner and concerned resident of Arlington. I worry that the proposal seeking to end single-family zoning will begin to change this town into urban sprawl.

This very thing happened in the Virginia town where I grew up. After the zoning rules changed, formerly quiet neighborhoods became a patchwork of smaller original houses and newer, larger buildings with parking spaces that took up entire yards. The greenspaces ebbed away, and a town that had previously served as a respite from urban life became filled with traffic and stress and lost all its personality. My town became more and more urbanized in an attempt to supply the growing population with the infrastructure required to support it.

I never go back to my home town because it has lost everything that made it livable and desirable.

Currently, Arlington has a range of neighborhoods with very distinct personalities. This is what gives the town its flavor, interest and value. Please do not squander the things that make this town special.

I ask that my comments be added to the minutes of tonight's meeting.

Thank you!
Beth Kun

From: lah-rah veevy <veewoolfie@yahoo.com>
To: "EBenson@town.arlington.ma.us" <EBenson@town.arlington.ma.us>, "KLau@town.arlington.ma.us" <KLau@town.arlington.ma.us>, "mtintocalis@town.arlington.ma.us" <mtintocalis@town.arlington.ma.us>, "srevilak@town.arlington.ma.us" <srevilak@town.arlington.ma.us>, "rzsembery@town.arlington.ma.us" <rzsembery@town.arlington.ma.us>, "eric@ericforselectboard.com" <eric@ericforselectboard.com>
Date: Mon, 7 Mar 2022 14:23:30 +0000 (UTC)
Subject: COMMENT: Concern for Housing Article

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Dear ARB ---

As a homeowner, a parent, and a resident of Arlington, I am writing to express my deep concern with the proposal seeking to end single-family zoning and allow 2-families in all single-family districts.

The proposal will cause stress on the current infrastructure, make it more difficult to park, cause more traffic, and also reduce green and open space in Arlington. Neighborhoods will continue to (more so than they already are) morph into a crowded hodgepodge of multi-family units mixed in with single-family homes. Not passing this Article will help preserve the integrity of the neighborhoods that currently exist in town.

I respectfully request that my comment be added to the record at tonight's meeting on this topic held on 3/7/2022.

Thank you, Laura Vivenzio

From: david weber <jawdbw@yahoo.com>
To: "ebenson@town.arlington.ma.us" <ebenson@town.arlington.ma.us>, "klau@town.arlington.ma.us" <klau@town.arlington.ma.us>, "mtintocalis@town.arlington.ma.us" <mtintocalis@town.arlington.ma.us>, "srevilak@town.arlington.ma.us" <srevilak@town.arlington.ma.us>, "rzsembery@town.arlington.ma.us" <rzsembery@town.arlington.ma.us>, "cawagner@hotmail.com" <cawagner@hotmail.com>
Date: Mon, 7 Mar 2022 15:14:31 +0000 (UTC)
Subject: Article 38

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Dear Members of the ARB,

I would like to oppose the Article 38 which states changing single family zoning to multi family zoning.

People who live in single family homes are in areas which they prefer because of the open space. When you allow multi-family dwellings you are increasing traffic and parking.

Making two family homes does not help the low income market at all so you are keeping people from affordable housing. Rentals in Arlington are sometimes, most often, more than a mortgage which only helps the home owner, not the renter. Using this rationale as a way to change zoning is deceptive at least.

Some of you make single family owners feel guilty because they prefer to live in their single family homes. I know this because I tried to change my street back to its original single family zoning and was admonished by one of your members who shall remain anonymous.

My street has already been impacted by this zoning and has turned a single family into a two family dwelling with no design qualifications which fit in with the rest of the homes. It has a sparkling cinder block wall while all other walls are more colonial looking structures.

Please reconsider your Zoning Article 38 as it disenfranchises current single family homeowners and their neighborhoods.

The recent movement out of Arlington has been because of the poor Planning Board and ARB regulations which do not help the reason for those of us who moved to this town in the first place, not to mention the higher taxes.

Sincerely,
Janice A. Weber
Precinct 21

From: ahollman@aol.com

To: "rszembery@town.arlington.ma.us" <rszembery@town.arlington.ma.us>, "klau@town.arlington.ma.us" <klau@town.arlington.ma.us>, "ebenson@town.arlington.ma.us" <ebenson@town.arlington.ma.us>, "mtintocalis@town.arlington.ma.us" <mtintocalis@town.arlington.ma.us>, "jraitt@town.arlington.ma.us" <jraitt@town.arlington.ma.us>

Date: Mon, 7 Mar 2022 21:33:16 +0000 (UTC)

Subject: Article 38 comment

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To the members of the Arlington Redevelopment Board,

I respectfully request that my comments regarding Article 38 be added to the public record.

I am Aram Hollman of 12 Whittemore St., Arlington.

I am writing to express my opposition to the proposed Article zoning changes to R0 and R1 districts for the following reasons.

The arguments made in favor of it do not hold. I address the claims made in the March 3 Memorandum from Jennifer Raitt, Kelly Lynema and Talia Fox to the ARB. Similar claims have been made by the article's proponents, Annie LeCourt and others.

The claim that it will create "more affordable" housing does not specify more affordable than what? Anecdote: A 2-family near me, on Avon Place was recently renovated. The 2 units sold for \$800,000 and for \$1.3 million respectively. This was within an existing shell, not new construction. These are -not- prices that anyone would consider affordable, and new construction would cost even more.

The claim that Arlington can or should address the "racist legacy" of past zoning is laudable, and may even be possible, but further raising the price of housing in Arlington will simply make Arlington's housing even less accessible to those of limited means, of whatever racial background. In short, it would be at least arguable that this zoning change -is- another racist policy encoded in zoning.

The claim that the zoning will improve environmental sustainability likewise does not hold. Yes, newer construction, built to meet energy efficiency standards, will be more sustainable. However, that would be true of -any- housing that is constructed, regardless of whether Article 38 is passed, so it is not an argument in favor of Article 38. As for the argument that 2-family units will be more efficient than the existing 1-family, that too does not make the construction more environmentally sustainable. The proposed zoning holds the dimensions of the structure, and thus its volume, to what they were before. With the same volume, the same quantity of heating will be required. No matter how it is measured the environmental impact of 2 households, even in smaller surroundings, is greater than the environmental impact of 1 household. In fact, while I would not argue this, it -could- be argued that the best way to reduce environmental impact would be to make -all- of Arlington's construction 1-family!

The claim that this increases housing choice does not hold. The prime candidates for teardowns and for conversion to 2-families are the smaller "starter" homes which still exist. Replacing them with expensive 2-families may increase housing choice for those at the upper end of the income spectrum, but does nothing for those of more limited means.

From page 8: "While this amendment would not generate housing affordable to households making 80% of Area Median Income (AMI) or less, it has the potential to result in greater housing choice for middle income households." This distinction surprises me. People making 80% of AMI are precisely the people Arlington -should- be trying to attract. 80% is not poor, it is working people and working families. In contrast, this definition makes equal and more than 100% of AMI middle income. That's people making well over \$100,000 a year, possibly \$200,000. That's not middle income, that's affluent.

Finally, the emphasis on creating denser housing is detrimental to the town in a number of ways. It strains the schools. The argument that an increase to the property tax base will improve the town's financial position does not hold, because most of the additional tax revenue will be spent on increased services. This is most notable with the schools. At \$12 per \$1000 of assessed value, a \$1 million home brings in \$12,000. The additional cost to the town for one more

student in the schools is \$15,000. And that is a reasonable consideration, because people choose Arlington for its schools.

In short, Article 38, in many ways, will achieve precisely the opposite of the results it is intended to create. Given how obvious that is, one can only wonder at the motives of its proponents.

Sincerely,

Aram Hollman
12 Whittemore St.
Arlington, MA 02474
ahollman@aol.com
(781) 648-6417

From: Rebecca Peterson <rebeccaopeterson@gmail.com>
To: EBenson@town.arlington.ma.us, KLau@town.arlington.ma.us, mtintocalis@town.arlington.ma.us, srevilak@town.arlington.ma.us, rzsembery@town.arlington.ma.us
Date: Mon, 7 Mar 2022 18:41:50 -0500
Subject: Article A / Single Family Zoning

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Dear members of the ARB: please add my comments (below) to the official record for this meeting.

I urge you to reject the elimination of single-family zoning in Arlington.

Arlington appeals to many homebuyers because it has the feel of a town with yards and trees, but at the same time urban conveniences such as proximity to the T, good restaurants, and being just minutes from Boston. But eliminating single family housing will destroy the thing that drew most people here! I feel that this proposal is unfair to those who scrimped and saved to buy specifically in a single-family neighborhood, and who have spent subsequent years paying for and improving our homes.

I respectfully ask, what about those of us who want a single-family neighborhood, and why don't our opinions matter? Is the only goal to stuff as many people as we possibly can inside the town borders?

Many of us don't want to live somewhere as dense as Cambridge – we appreciate the town-like feel of Arlington. In addition, eliminating single-family housing does nothing for true affordable housing – but it is a dream for the tear-down crowd and the developers.

The constant push from town officials for increased density is tiresome. We should be trying to protect what little green space we have left and maintain our quality of life rather than encourage people to build on every square inch possible.

Sincerely,
Rebecca Peterson
31 Florence Ave.

From: david weber <jawdbw@yahoo.com>
To: "ebenson@town.arlington.ma.us" <ebenson@town.arlington.ma.us>, "klau@town.arlington.ma.us" <klau@town.arlington.ma.us>, "mtintocalis@town.arlington.ma.us" <mtintocalis@town.arlington.ma.us>, "srevilak@town.arlington.ma.us" <srevilak@town.arlington.ma.us>, "rzsembery@town.arlington.ma.us" <rzsembery@town.arlington.ma.us>, "C. Wagner" <askarfr@outlook.com>
Date: Tue, 8 Mar 2022 02:50:09 +0000 (UTC)
Subject: Warrant article #38

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Having attended tonight's meeting the conclusion is 77% against this warrant article; 24 against and 7 in favor. I had one more comment to make.

I surveyed my neighbors when I wanted to go back to R1 and they were for going back to that zoning.

I don't care about California, which is a total mess altogether, or any other city or town.

I want Arlington to remain a place for anyone who wants to live here can be able to afford to do so and, right now, that is not possible even for those of us who are struggling to hold on.

The taxes keep rising even though there has been more building. I really do not feel that the people who run this town care what happens to people who love the town.

I would like to know how many people on that zoom meeting actually live in this town.

Janice Weber
Precinct 21-Town Meeting Member

From: Thomas Allor <thomas.allor@gmail.com>
Date: March 11, 2022 at 4:12:37 PM EST
To: Jenny Raitt <JRaitt@town.arlington.ma.us>
Cc: Marielle Allor <marielle.allor@gmail.com>
Subject: NOTE of OPPOSITION: Article F Zoning for Input to Town mtg on March 14.

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Hello Ms. Rait,

RE: Article F Zoning Map Amendment, put forward by town resident, James Fleming (petitioner).

Thomas Allor and Marielle Allor Residents of 151.1 Massachusetts Ave are petitioning in opposition of Article F zoning map amendment/expand business district of the zoning from R2/R5 to B3 for the following properties address:

155 Massachusetts Ave (8 Families)
151.1 Massachusetts Ave Unit 1 (condo)
151.2 Massachusetts Ave Unit 2 (condo)
147 Massachusetts Ave (multi family)
150 Massachusetts Ave (multi family)

There are several good reasons as a Town on why not to move forward with voting on this in the foreseeable future. I will attempt to provide them below:

1. TREE'S. There are about 15 trees that exist on these plots that provide air, filter and beauty in the neighborhood. My residence has a flowering Magnolia and Cherry Tree. 147 Mass Ave has beautiful Pine trees. And 155 has 2 Large Maple trees out front. The Town plan calls out the desire for TREE lined Streets and this zoning change could negatively impact our environment, town aspiration and beauty.

1a. "B3 Zoning" is at best elusive as called out in the Town Plan as Mixed Use and not properly defined. In fact, there is a "no Property abutment" in B3's guidance that would allow a developer to build UP TO the Property Line. This would cause Density of housing, elimination of current Tree/landscape and only a small "set back" is required from Mass Ave. Do we want to be Porter Square?

1b. PARKING. There are only 956 spaces in town to Park. The addition of the bike lane and bus Lanes in East Arlington does not allow more parking spaces on Mass Ave to support a Mixed Use -undefined development.

1c. SAFETY. More stores and residences will impact traffic. There have already been several Pedestrian accidents and sad to say Fatalities as Mass Ave is situated today.

2. COMMUNITY. The neighborhood "as is" is a great use of both residential and business. Development of these properties will dis-place families and individuals in affordable rental conditions. PorchFest would also suffer from not having Bands rocking and rolling on our porches in East Arlington if the porches don't exist.

2a. Questions for the Town to consider:

78 of 133

Does the town really need another bank, drycleaner, pizza shop, cafe, coffee, barber in East Arlington.?Is the town willing to risk "attrition" as a result of a competitive threat moving into the business community by having a mix use business move in? Covid certainly proved that the existing business community ebs and flows already.

Are the streets livable and safe for pedestrians and motorists with an increase by Mixed use dwellings?

Is the business community and residents willing to live next to a construction project and face the environmental impacts? Will material be ready to construct and be shortened given our Supply strain constraints in the construction industry? A 2yr scope could easily turn into 3-5 given current supply constraints.

How does East Arlington Livable Streets feel about the above?

Aren't there current B3 Zones in Town that need businesses to occupy the space first?

3 TAXES/RENT- increased as well as Rent Increased is unknown.

Statement below provided by (Petitioner) to me in email on Feb 24,2022, from Interim Director of Assessment.

"If the zoning were to change, but the building was not modified nor a commercial business started, the assessment would not change. If a neighboring property (e.g. 147 Mass Ave) were to change their use to increase foot traffic (e.g. start a business), then that could have a small effect on assessment."

If this is so, Can We all get this in Writing from the Town of Arlington?

Adding another retail space has not been studied by the town and development of these properties will negatively impact our local East Arlington Business community from a Tax perspective as well as have potential Rent Increase and displace existing residents and businesses who have strived to afford living in East Arlington.

Finally, we find it interesting that the (petitioner) does not live in the residences affected above. Neither do the 10 persons who signed the petition. Why? If owners of these residents were enamored by this proposal, why haven't they signed this petition?

So as Arlington strives to find answers on the above, we believe this petition can be "tabled" for the foreseeable future until we all know more about the impacts on East Arlington Residents and Business Community.

Thank You.

Thomas & Marielle Allor

151.1 Massachusetts Ave, East Arlington, MA

proud owners of magnolia and cherry trees.

From: Ezra Fischer <ezrafischer@gmail.com>
To: EBenson@town.arlington.ma.us, KLau@town.arlington.ma.us, mtintocalis@town.arlington.ma.us, srevilak@town.arlington.ma.us, rzsembery@town.arlington.ma.us
Date: Fri, 11 Mar 2022 07:24:23 -0500
Subject: Support for Article 38

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Hello ARB,

My name is Ezra Fischer and I'm a Town Meeting member representing Precinct Four. I wasn't able to attend your recent meeting but I wanted to voice my support for Article 38. There are lots of good reasons for allowing multi-family housing throughout Arlington and I hope you all will consider supporting it. Happy to write more or talk though this issue, but I feel certain that you all are better versed and have spent much more time pondering it than I have! Thanks for your service to the town!

Thanks,
Ezra

732-429-8802

From: Marti and Robin Lemp <lemphome@gmail.com>
Date: March 12, 2022 at 10:01:26 AM EST
To: JRaitt@town.arlington.ma.us
Cc: Marielle Allor <marielle.allor@gmail.com>, thomas.allor@gmail.com
Subject: Article F Zoning Map Amendment

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Dear Ms. Rait,

My husband and I are writing to express our opposition to the Article F zoning map amendment outlined in the email below by our friends who own and reside in one of those addresses. We strongly concur with all of the arguments outlined below and agree with them that this type of change in East Arlington is NOT desirable for our community, one that the town has made an effort to beautify in recent years and one that we believe is already a great balance of residential and commercial properties. We would not be happy to have the number of commercial properties increased in our neighborhood. It seems that a better focus might be on creating more dynamic businesses in the existing store fronts, many of which seem to come and go, possibly because of rents that are inflated. We have also heard repeatedly that the relationships between landlords and business owners in Arlington are very poor from many of the town's wonderful business owners. A much better focus would thus be to address these issues in whatever way possible to support the many wonderful small businesses that try to but fail to thrive in our community.

Thank you for your consideration.

Kind regards,
Marti and Robin Lemp, owners of 11 Harlow St., Apt. 2 in East Arlington.

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and Business Community.

Thank You.

Thomas & Marielle Allor

151.1 Massachusetts Ave, East Arlington, MA
proud owners of magnolia and cherry trees.

From: Xavid <xavid@xavid.us>
Date: March 12, 2022 at 10:20:23 PM EST
To: Jenny Raitt <JRaitt@town.arlington.ma.us>
Subject: Writing in Favor of Article 38

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Hello,

I wanted to write a letter of support to the ARB for Article 38, allowing two-family buildings by right.

Unless we provide an alternative in single-family zones, houses are going to just get larger and more expensive over town. Allowing two-family buildings in these areas provides a strong alternative that results in more homes at lower costs than large single-family homes. We have many buildings that could accommodate two families without any change to their outside appearance, and this is an excellent opportunity to better utilize our limited land area and welcome more neighbors into our neighborhoods. Our current two-family and apartment areas are localized in certain parts of town, resulting in areas of town that have much less economic and other diversity, leading to some of our schools being at a disadvantage in terms of diversity.

Adopting this proposal would make Arlington a leader in terms of housing equity and represent a strong step forward in addressing our regional housing crisis.

I strongly encourage the Board to recommend action on this article.

Sincerely,
~Xavid Pretzer
Precinct 17

From: Steve Berczuk <steve.berczuk@gmail.com>
To: Marion Carroll <marion@leedscarroll.com>
Cc: arlingtonlist <arlington@arlingtonlist.org>, EBenson@town.arlington.ma.us, KLau@town.arlington.ma.us, mtintocalis@town.arlington.ma.us, srevilak@town.arlington.ma.us, rzsembery@town.arlington.ma.us
Date: Sun, 13 Mar 2022 17:16:20 -0400
Subject: Re: [arlington] Redevelopment board to continue to hear concerning Articles Mon Mar 14 7:30: reducing apartment parking, removing abutter notice on zoning changes

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On Sun, Mar 13, 2022 at 4:37 PM Marion Carroll <marion@leedscarroll.com> wrote:

>
> I hope the article proposing cutting the required parking allotments will include easy-to-reach, free - public parking lots!
>
> Marion
>
I believe the goal of the parking change is to make it possible to build more housing for those who don't need or want multiple vehicles.

Since people have different needs, and not every housing unit will meet all the needs of everyone, it seems reasonable to make it possible for an extra couple of families to have a place to live. (though parking lots, not nec free, might be an interesting approach to address demand for those who have more cars than their attached parking can fit)

Steve

--

Steve Berczuk | steve.berczuk@gmail.com | [@sberczuk](https://linkprotect.cudasvc.com/url?a=http%3a%2f%2fwww.berczuk.com&c=E,1,n0xuUab6uYwuUZ6pB8X9WJ0hn_BQSZKdignQAxGcvEGIVFc_Ajrg82S50LOtpLmo454NfbNiiX455y4WlfJbBHon2uP-MhI164qsbFYgahkMj6-3KYB0yxh_IA,,&typo=1)
SaneBox keeps my inbox clean, try it here: https://linkprotect.cudasvc.com/url?a=http%3a%2f%2fsanebox.com%2ft%2f8714z&c=E,1,nZ57-V_Wsrha9ja7oa7-55n_Pjr2KggqUZ24CasRTv8ncR0t1iE_7IUCIppqHnecgfwMvs0SHMdVw1ZZ1r3D1RukgZ61lc1xr6itIZRBghCTBFg,,&typo=1

From: Lara Curtis <lara.curtis@gmail.com>
Date: March 13, 2022 at 9:59:56 PM EDT
To: JRaitt@town.arlington.ma.us
Subject: **Comments on Zoning Map Amendment, Article F**

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Hi Jenny,

Please forward this letter to the ARB ahead of the public hearing Monday evening. It is regarding the proposed zoning map amendment.

Thank you,

Lara Curtis Hayes

Lara Curtis Hayes

5 Cleveland Street
Arlington, MA 02474
lara.curtis@gmail.com

March 13, 2022

Arlington Redevelopment Board

% Jennifer Raitt, Director, Planning & Community Development
Town of Arlington
Sent via email

Dear members of the Arlington Redevelopment Board,

I am writing to express my concern and opposition to Town Meeting Warrant Article F, the Zoning Map amendment intended to expand the business district in the Capitol Square neighborhood.

When I first received notice of this proposed warrant article, I was curious to know why someone would want to rezone this block. On reading the supporting language for the article, the only reasoning I can determine for this amendment is because an interested resident “wants to see more storefronts.” This seems like an incredibly vague motivation. An amendment that changes the zoning of multiple properties should entail a greater level of consideration.

The subject properties are well maintained and already occupied, unlike many others along Mass Ave, and I don’t see the need to rezone them on a whim. This warrant article, along with the separately proposed warrant article seeking to dramatically increase allowed FAR in business districts, would most likely result in the demolition of these structures, one of which is providing multiple units of housing.

Should the petitioner have a desire for a specific use, or a specific development type, a more involved planning process should be undertaken to determine what might be appropriate and in the best interests of the neighborhood. But I cannot support what appears to be rezoning without adequate planning.

I urge you to recommend “No Action” on this zoning map amendment.

Sincerely,

Lara Curtis Hayes, AICP

From: Jennifer Susse <jennifer.susse@gmail.com>
 To: Rachel Zsembery <rzsembery@town.arlington.ma.us>, Steve Revilak <steve@srevilak.net>, Kin Lau <klau@town.arlington.ma.us>, mtintocalis@town.arlington.ma.us, ebenson@town.arlington.ma.us
 Cc: Jenny Raitt <jraitt@town.arlington.ma.us>, Annie LaCourt <annie@lacourt.net>, "laura.wiener@rcn.com" <laura.wiener@rcn.com>
 Date: Sun, 13 Mar 2022 18:19:35 -0400
 Subject: Article 38: Allowing 2-Family Zoning by Right

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March 13, 2022

Dear Redevelopment Board,

When I was asked last year whether I supported allowing two-family houses to be built by right in all of Arlington I said that I wasn't sure we were ready for that yet. Here is/was my worry. Allowing two families to be built by right is, as I'm sure you realize, a fairly conservative zoning change that will produce only a modest addition to our housing stock, and yet it feels like a huge change to so many people. In other words, we have a proposal that produces maximum anxiety with only minimal effect.

I've come to change my mind. While I still support prioritizing other types of housing initiatives—for example, allowing 3 and 4 family housing near transportation corridors, and larger mixed-use housing on those corridors, I think it is important to advocate for any and all common-sense zoning reform.

I also think it is important to use article 38 to start a conversation about the type of development we would like to see in Arlington. We know that we don't have the option to freeze time (we can't just insist that houses remain as small and affordable as they were 10 or 20 years ago). As in many things, the market pressures have and will dominate. What we can do, is remove regulations that go against our values as a community. Having a zoning rule that encourages the production of very large single-family homes instead of something closer to middle-income housing does not reflect the value we place on economic and generational diversity in Arlington.

It is possible that this zoning change will not pass Town Meeting this year, but it may. Arlington has been on the vanguard on so many issues in the past—from our adoption of Arlington Community Electricity, and the Net Zero Action Plan, to allowing ADUs by right, to considering Ranked Choice Voting on the ballot, to passing the Trust Act, and to possibly implementing a Police Civilian Review Board. We are a community that other communities look to emulate. Allowing two-family zoning by right is still on the vanguard. It is still new and scary to people. So far only Minneapolis, Oregon, and California (partially) have made the change.

In the meantime, even if Town Meeting doesn't pass this article this year, the conversations the article will engender about important issues of housing affordability, diversity, and sustainability are important to have. Those conversations can only happen if the Redevelopment Board votes favorably on Article 38.

One small point, if it feels easier to exclude the R0 districts from this zoning change I encourage you to do so. The practical effect of that exclusion would be minimal, but given the sway that residents from these older and wealthier areas of town have, this small change may make the proposal feel less

threatening. It would also defang the argument that builders would create very large two-family homes, as only the R0 district have super large lot sizes.

All the Best,
Jennifer Susse
Teel Street

March 14, 2022

Re: Self Service Gas Station Article

Chair and Board Members,

Articles for self-service stations appear every few years, unsuccessfully, so far.

Why Self-Serve?

Allowing self-service gas stations in Arlington has only one possible benefit, lower gas prices.

However, if you have noticed driving through surrounding towns or looking at [GasBuddy.com](https://www.gasbuddy.com), a web site with live gas prices (sample from 3/6 attached), Arlington's low price gas stations have always been competitive with self-service prices, sometimes lower, sometimes a little higher.

Self service options are rarely done to benefit the consumer.

Look at the relatively recent self serve checkout lines, using CVS as an example.

At first it seems a benefit, to be able to get out quickly if you only have a couple of items. However, the corporate purpose was to reduce labor costs. So, next step was to reduce checkout cashiers. Now, you can wait in line for both the manned and self serve lines. Great.

Another change where you don't realize what you have until it is gone.

Down Sides

Since there is little to no benefit to self-service stations for the consumer, what are the negatives?

Drive Out Small Business Over Time

Arlington gas stations are almost all (maybe all) independent small businesses. Self-service are usually chain or corporate operations. Gresham's law, in a gas station corollary, shows, as seen in other towns, cities and states, which allow self-serve, that, over time, self-serve drives out full serve. This will accelerate the change of gas station locations to other uses.

Loss of Actual Service

Arlington gas stations are also service stations; a place to take your car to be fixed. Service stations are usually faster and less expensive than Dealership service. Self-service stations typically have no service. As service stations disappear, there is less choice for Arlington residents to find a place to have their cars fixed.

Annual Inspections

Vehicles have to be inspected every year. Most service stations do inspections. Self-service typically have minimal staffing and do not do inspections. As the end of the month draws near, there are often lines at service stations to get a sticker. Where will those Arlington residents go as lines get longer and longer as there are less sticker stations?

Convenience Stores

Self-Serve stations often have an attached convenience store. This is nice, but will put economic pressure on Arlington's long time existing stand alone convenience stores.

Future Electric Vehicle Charging and Service

As electric vehicles become more prevalent, there will need to be more places to charge them and service them. Existing gas stations are a natural location for this.

Equity

Equity is a trendy consideration lately. More well off people, with newer cars, do not have to worry about keeping an older vehicle functioning. Those of lesser means benefit from a neighborhood service station. Newer cars can be dropped off at the dealership for a sticker with a shuttle ride to work, not a choice for others.

Removing options and choice for those not as economically well off is not equitable.

Elderly and Disabled

The elderly and disabled are currently treated just like everyone else at Arlington service stations. Self-serve stations may have additional wait time or no service at all for elderly or disabled.

The Federal Government ADA site says:

“People with disabilities may find it difficult or impossible to use the controls, hose, or nozzle of a self-serve gas pump. As a result, at stations that offer both self and full service, people with disabilities might have no choice but to purchase the more expensive gas from a full-serve pump. At locations with only self-serve pumps, they might be unable to purchase gas at all.

The Americans with Disabilities Act (ADA) requires self-serve gas stations to provide equal access to their customers with disabilities. If necessary to provide access, gas stations must -

- *Provide refueling assistance upon the request of an individual with a disability. A service station or convenience store is not required to provide such service at any time that it is operating on a remote control basis with a single employee, but is encouraged to do so, if feasible.

- *Let patrons know (e.g., through appropriate signs) that customers with disabilities can obtain refueling assistance by either honking or otherwise signaling an employee.

*Provide the refueling assistance without any charge beyond the self-serve price.”

Massachusetts Gas Station Law similarly says
at <https://www.mass.gov/doc/disability-rights-laws-in-massachusetts/download> :

“Massachusetts Gas Station Law
[G.L. c. 94, § 295CC](#)

Every gas station owner offering motor fuel for sale from both full-service and self-service pumps shall dispense fuel from the self-service pump for any owner-operator of a motor vehicle bearing handicapped person or disabled veteran number plates as described in section two of chapter ninety (see section on Massachusetts Handicapped Plate and Placard Law below for more information). The gas station must display signs in a prominent location stating its compliance with the provisions of this law. The Division of Standards shall develop standards for such signs including, but not limited to, size, text, legibility and location. Note: The Americans with Disabilities Act also directs gas stations assist people with disabilities. See <http://www.ada.gov/gasserve.htm> “

Notice, there is no requirement for assistance for the elderly or partially disabled, and even disabled must have a plate or placard.

Do you want your older self, a parent, grandparent, or elderly neighbor to have to pump their own gas or be treated differently, aka lessly?

Do You Want to Pump Gas in a Snow Storm?

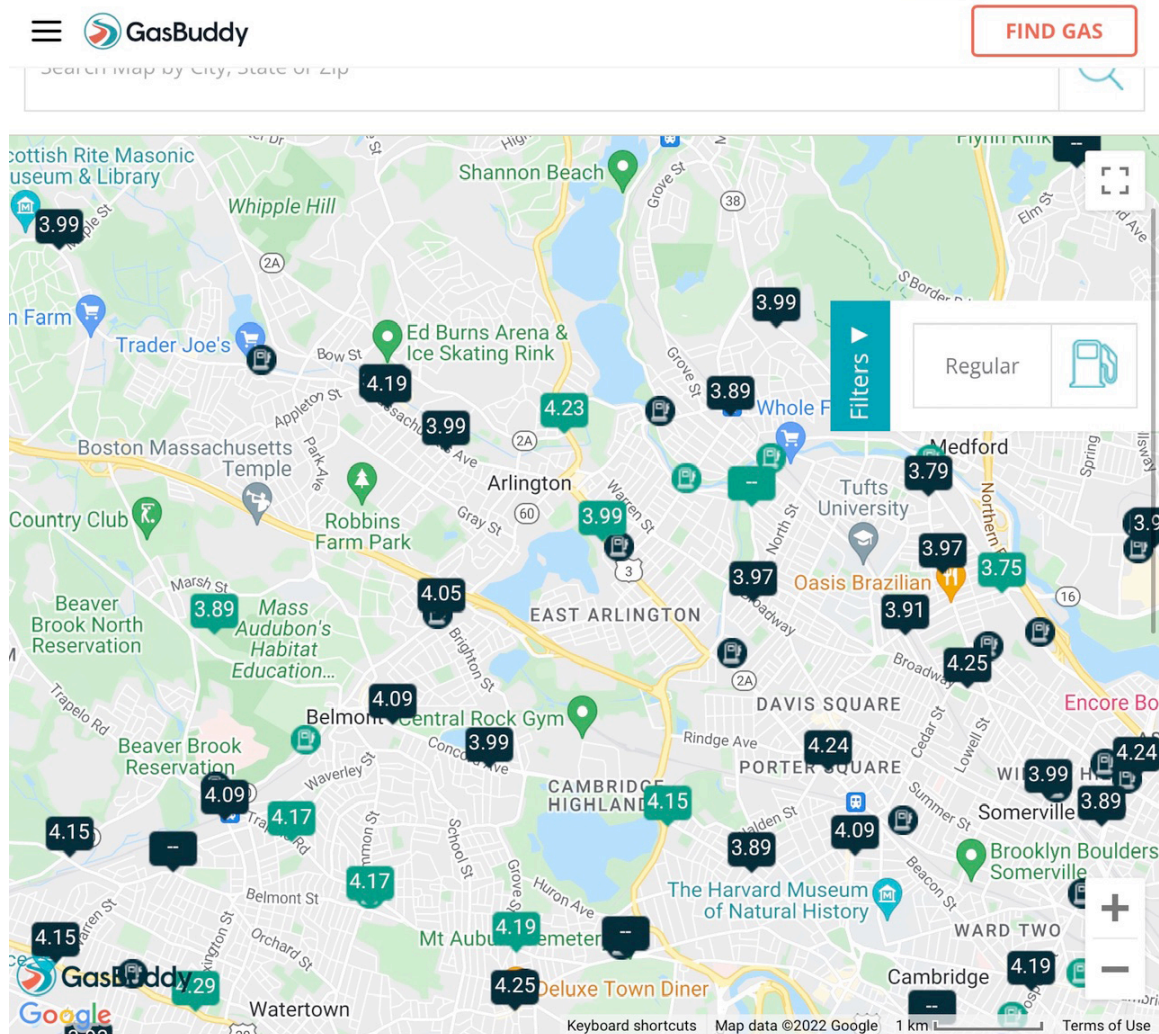
The most obvious negative is weather and convenience. How many days are just the right temperature and humidity where you wouldn't mind getting out of the car to pump your gas? Certainly not between November and April, with cold, or biting cold, temperatures, wind driven snow, or cold rain, stinging your face, slush on the ground to walk through. Certainly not in the dog days of summer with high temperatures, humidity and your clothes sticking to your skin as you

watch the gas meter spinning. Not when you are on the way to work or an event, nicely dressed, dreading a splash of gas which smell will linger for hours.

Please continue to let Arlington residents and visitors benefit from full service gas stations by recommending no action on the self-service article.

Stephen Blagden

Gas Buddy gas prices March 6, 2022 (look like a bargain now)



See what gas prices are around the country at a glance. Areas are color coded according to their price for the average price for regular unleaded gasoline.

From: STEPHEN B <srbz@aol.com>
Date: March 14, 2022 at 2:50:37 PM EDT
To: klau@town.arlington.ma.us, mtintocalis@town.arlington.ma.us, srevilak@town.arlington.ma.us, rzsembury@town.arlington.ma.us, ebenson@town.arlington.ma.us
Cc: Jenny Raitt <JRaitt@town.arlington.ma.us>
Subject: Article 41 Apartment parking comments

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Chair and Board members,

The memo mentions bringing parity between 1, 2 and 3 unit residences and apartments as a reason to reduce parking requirements for apartments.

Parity can go both ways.
A better case could be made for bringing 1, 2, and 3 units to apartment parking standards than what is proposed.

The ACS cited does show 3/4 of renters have 1 car or less, but it also shows renters entirely have more than one car per renter.

More information would be helpful. Rather than the few actual parking stats, a more complete survey of apartment and condo buildings would give a clearer picture.
If the existing apartments have a persistent parking surplus, we should see them renting out the extra spaces. They are businesses whose existence is renting space. They are not going to leave money on the table by letting spaces lie empty month after month. Are they renting spaces? How many? Enough to support reducing parking spaces as proposed? Is there evidence of classified ads advertising such?

What about visitors?
While visitors to single family homes are likely to find spaces on the street, visitors to apartments are most likely going to need on site parking.
Those who established the current parking requirements undoubtedly had practical reasons for the numbers they chose.

Allowing insufficient parking, in any zone, will increase pressure for overnight parking.
That will solve nothing as, just like roads, the cars expand to fill the space.
Do cities that allow overnight parking have surplus on-street parking or do people do things like putting chairs in spaces to keep them?
Eventually, the choice is to maintain sufficient off street parking and deal with those who can't find a space, or allow on street parking and have to deal with even more people who can't find parking.

Section 6.1.5 already provides relief for those with good reason to request reduced parking.
The town can grant reductions when necessary, but cannot demand more than what the bylaw requires.

Better to leave the existing standards pending more and better convincing information.

Stephen Blagden

From: Janice Brodman <janicezbrodman@gmail.com>
To: rzsembly@town.arlington.ma.us
Date: Mon, 14 Mar 2022 12:32:20 -0400
Subject: Re: Articles 41 and 43

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Sorry, I forgot to add: Please add my comments to the record. Thank you.

On Mar 14, 2022, at 12:30 PM, Janice Brodman <janicezbrodman@gmail.com> wrote:

Dear Rachel,

Please do not approve the amendments to Articles 41 and 43 for the following reasons:

Article 41 would reduce parking allotted to building units to unrealistic levels. It's detrimental and short-sighted to decree a law that cannot be implemented effectively. There are other ways to promote reduced car use that would be far more effective while being realistic in operation.

Article 43 would demolish the very essence of informing Arlington residents of major changes that would affect their lives and property. We live near some properties that were rezoned. After we were informed of the proposed zoning changes, we were able to participate in meetings that informed those designing the new development — which actually improved the design — and converted local hostility to cooperative engagement. Article 43 as it stands is exactly what is needed to ensure that those whose lives and property would be directly affected by a zoning change can provide key information and a local response. The proposed changes to Article 43 would create extremely problematic and adversarial situations that could be prevented before they arise.

Respectfully,

Janice Zarro Brodman
41 Pine St.
Arlington, MA 02474

From: Chad Gibson <chdgibson@yahoo.com>
To: "EBenson@town.arlington.ma.us" <ebenson@town.arlington.ma.us>, "KLau@town.arlington.ma.us" <klau@town.arlington.ma.us>, "srevilak@town.arlington.ma.us" <srevilak@town.arlington.ma.us>, "mtintocalis@town.arlington.ma.us" <mtintocalis@town.arlington.ma.us>, "rzsembery@town.arlington.ma.us" <rzsembery@town.arlington.ma.us>
Date: Mon, 14 Mar 2022 23:13:56 +0000 (UTC)
Subject: Comments for Articles 40 and 41 for Town Meeting

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Hello,

I can't make the hearing tonight but would like to voice my support for Article 41 to reduce required parking for apartment buildings. One per unit is plenty, builders can always build more! Our current law is based in 1970's thinking of suburbia. We have multiple transportation options, apt buildings, mostly renters tend to have fewer cars anyway.

On Article 40, I support changing the zoning for the two houses and apt building on Mass Ave in East Arlington near Trowbridge and Melrose. Those should be zoned B3, they can continue to be houses, but business, ideally mixed use should be an option for redevelopment in the future.

Thanks,
Chad Gibson
Varnum St.

From: Ruthellyn Jacob <ruthellyn16@gmail.com>
To: jraitt@town.arlington.ma.us
Date: Mon, 14 Mar 2022 09:06:08 -0400
Subject: Redevelopment Board Meeting Tonight

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To: Redevelopment Board Members

I am sending this to voice my concern regarding your discussions of rezoning RO and R1.

I have been an Arlington resident for over 20 years. My mother was born and raised in Arlington. I have a vast history and love for this town.

Myself and many of my fellow community members are completely opposed to changing zoning rules on single family lots. The only ones who will benefit from this will be building contractors (aka Seaver).

They will build very expensive, unaffordable multi-level buildings instead of one. We already see these units for sale in Arlington. The cost is unattainable for most people.

This will in no way assist lower/middle income home buyers because for the average person it will be unaffordable. This will also affect the current neighbors in the community. It will cause Arlington to be even more congested, cause parking issues, increase taxes (more use of resources), overcrowd our schools (many that we have just rebuilt in recent years), and the list goes on. This will do nothing for diversity or lower/middle income families.

The housing crisis is a national issue and should be treated as such. Eventually this crisis will pass. Everything is cyclical and we are in difficult times currently. We just got out of a 2 year pandemic, dealing with the highest energy costs & inflation.

Arlington is a desirable, suburban town and that is what we want to keep it as. **Please do not permanently change the footprint of Arlington which will affect future generations to come.** Please keep it as a desirable area and community to raise your family without the feel of being in an overcrowded city.

Another thing too, please investigate these larger homes being built on small lots. **Try to find a way to incentivize preserving ranches, capes and 2000 sq foot homes in Arlington.** This will also assist with affordability for families in the future.

I ask you to please re- consider zoning changes and think of the current community you represent and not the builders.

Thank you for your consideration,

Ruthellyn Jacob

Arlington Resident & taxpayer

From: boblowedesign.com <bob@boblowedesign.com>
To: "jraitt@town.arlington.ma.us" <jraitt@town.arlington.ma.us>
Date: Mon, 14 Mar 2022 13:47:03 +0000
Subject: Article F zoning

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Dear Ms. Raitt;

Regarding Article F zoning map amendment/expand business district of the zoning from R2/R5 to B3 for the following properties address; 147 Massachusetts Ave; 150 Massachusetts Ave; 151 Massachusetts Ave; 155 Massachusetts Ave.

We have recently been informed that a resident of East Arlington has filed a petition to get the residential property at 155 Massachusetts Ave. and adjacent properties rezoned for mixed commercial use (B3). We are writing to let you know we oppose this proposal. As residents of East Arlington for over 28 years we have been strong supporters of the East Arlington businesses, library, bikeway, and streetscape improvements. We strongly feel that the suggested zoning changes to the existing are proposed for the benefit of a few to the detriment of most of the surrounding community. It is critical that we continue to preserve the quality of the East Arlington neighborhoods for the enjoyment and wellbeing of residents, visitors, and business owners.

Bob Lowe, Nancy Lowe
22 Harlow Street
Arlington MA
bob@boblowedesign.com

From: Scott Smith <smithsteiner@comcast.net>
Date: March 14, 2022 at 4:45:10 PM EDT
To: rzsembery@town.arlington.ma.us
Cc: JRaitt@town.arlington.ma.us, ebenson@town.arlington.ma.us, klau@town.arlington.ma.us, srevilak@town.arlington.ma.us, mtintocalis@town.arlington.ma.us
Subject: In favor of Article 41

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Dear members of the ARB,

I urge your support of the reduction in minimum parking requirements for apartment buildings, to be in-line with the regulations for homes. Most rental households are 0 or 1 car ([2016 MAPC report](#)). Furthermore, these are minimums: the property owner can add more parking if the demand is there. But, there is no reason to require a property owner to supply parking that might not be needed.

Thank you for your volunteer service to the Town.

- Scott Smith

39 Amherst Street

(precinct 7)

From: "Scott Smith" <smithsteiner@comcast.net>
To: <rzsembery@town.arlington.ma.us>
Cc: <jraitt@town.arlington.ma.us>, <EBenson@town.arlington.ma.us>, <KLau@town.arlington.ma.us>, <srevilak@town.arlington.ma.us>, <mtintocalis@town.arlington.ma.us>
Date: Mon, 14 Mar 2022 16:44:42 -0400
Subject: In favor of Article 41

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Dear members of the ARB,

I urge your support of the reduction in minimum parking requirements for apartment buildings, to be in-line with the regulations for homes. Most rental households are 0 or 1 car ([2016 MAPC report](#)). Furthermore, these are minimums: the property owner can add more parking if the demand is there. But, there is no reason to require a property owner to supply parking that might not be needed.

Thank you for your volunteer service to the Town.

- Scott Smith

39 Amherst Street
(precinct 7)

From: Ajay Bala <ajay.bala@gmail.com>
Date: March 15, 2022 at 11:08:01 AM EDT
To: JRaitt@town.arlington.ma.us, Shilpi <shilpagovada@gmail.com>
Subject: NOTE of OPPOSITION: Article F Zoning for Input to Town mtg

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Hello Ms. Rait,

RE: Article F Zoning Map Amendment, put forward by town resident, James Fleming (petitioner).

Ajay Balasubramaniam and Shilpa Govada, owners of 151.1 Massachusetts Ave are petitioning in opposition of Article F zoning map amendment/expand business district of the zoning from R2/R5 to B3 for the following properties address:

We would like to fully support any and all points in opposition that may have been previously raised as a result of which we believe the town should not vote in favor of this in the foreseeable future. In essence we have not fully understood all the impacts of what this rezoning will do and are very concerned of the detrimental impacts (Environmental, taxes, traffic, etc) that it will potentially bring to the surroundings and to the town,

--

Thank you.

Regards,

- Ajay Balasubramaniam and Shilpa Govada
151.1 Massachusetts Ave Unit 1, East Arlington, MA 02474

From: Brian Eastwood <iambeastwood@gmail.com>
To: jraitt@town.arlington.ma.us
Date: Wed, 16 Mar 2022 14:31:38 -0400
Subject: Support for Article 39

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Jennifer,

My name is Brian Eastwood. I have lived on Marathon Street in Arlington for ~4 years. I recently received a flier in my mailbox about Article 39 - purportedly about the detrimental effect that increased residential density in our business districts would have on the town.

I am writing to express my support for Article 39. Simply put, Arlington needs more housing, and the most sensible place to put it is in dense areas with ready access to main roads and mass transit. I understand the concerns that the author of this flier has about the loss of space for businesses, but the abundance of retail space for rent in this town, coupled with the dearth of affordable housing options - how many homes in Arlington are selling for \$150,000+ over asking price? - indicates that the town needs to re-prioritize the utilization of real estate in corridors such as Mass. Ave. In addition, just because a building can have more residential space and less commercial space doesn't mean that it will - witness the abundance of commercial and lab space under development in Boston and Cambridge at the moment.

As for concerns about the loss of parking: It is not incumbent upon Arlington, or any municipality, to prioritize the free or heavily discounted storage of private property (cars) on public roads, particularly those served by major bus routes, within close proximity to the community path that connects to other bus routes and the Red Line, or - in the case of Arlington Center - served by a large municipal parking lot. In fact, reduced parking and vehicular traffic will make the business districts safer for the pedestrians and cyclists within these neighborhoods who are frequent visitors to the businesses based there.

Thank you,
--Brian

--

Brian Eastwood

Freelance Writer
Brian Eastwood Writes

- [Writing Samples](#)
- [Core Areas of Focus](#)

----- Forwarded message -----

From: **James Fleming** <jflemingwpi13@gmail.com>

Date: Wed, Mar 16, 2022 at 9:10 PM

Subject: letter in support of article 39

To: Jenny Raitt <jraitt@town.arlington.ma.us>

Hi Jenny!

Please include this as public comment to the meeting this coming Monday.

I am in support of Article 39. I find it frankly ridiculous that the commercial buildings in my neighborhood (Capitol Square) can't even add a second story. Buildings should be allowed to increase in size incrementally over time, expanding the opportunity for residents and businesses and providing a natural opportunity for redevelopment.

I don't know whether an FAR of 4 is the right number or not. I do know that, without the opportunity for redevelopment and rejuvenation, our neighborhoods will stagnate at best, decline at worst. I urge you to support this article, with whatever FAR you deem appropriate.

- James

From: Muriel Fudala <muriel.fudala@gmail.com>
To: jraitt@town.arlington.ma.us
Date: Wed, 16 Mar 2022 15:24:47 -0400
Subject: Article 39 zoning bylaw amendment -- OPPOSED!!!

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Ms. Jennifer Raitt,
Director of Planning & Community Development, Arlington

Dear Ms. Raitt,

Why would Arlington with an already high density population want to increase its population and FAR density? Especially, substantially higher than Brookline, Newton, Watertown, and Cambridge?

There is not enough parking as it is. How many times have I foregone stopping at a local bakery, store, or business because after circling the block, there was no parking? And it was freezing cold, raining, or snowing?

We don't want high rises in Arlington which spoil the feel of an old-fashioned town. We don't want more people, more traffic, fewer parking spaces, and fewer businesses.

I strongly oppose increasing the FAR standard from 1.5 to 4.0, especially if a majority of that density is from new residences.

I have been a resident of Arlington for about 30 years, I pay a lot of taxes, and I value my neighborhood. Don't ruin it.

Sincerely,
Muriel Fudala
17 Marathon St.
Arlington, MA 02474

March 16, 2021

Arlington Redevelopment Board
730 Mass Ave Annex
Arlington, MA 02476
Via email: jraitt@town.arlington.ma.us

Re: Article 39: Zoning bylaw amendment / increased floor area ratio for mixed-use structures in business districts

I am writing to register my strong opposition to this warrant article and urge the ARB to vote against it.

The article proposes an unprecedented increase in the Floor Area Ratio (FAR) to 4.0 for mixed-use structures in *all* business districts. This is an increase of more than *two and a half times the current ratio* of 1.5. This is too much, and it's too broad; it will have several detrimental effects on our town. Raising the FAR by this much will make our business districts excessively dense areas, full of multi-story structures towering over our residential neighborhoods (a "skyscraperfication" of Arlington). This will drastically alter the skyline and character of our town. This proposed article will also cause a loss of business space and contribute to the increasing price of housing in Arlington through the erosion of commercial space and a proliferation of expensive apartments. Two cases in point: 1) The original proposal for the redevelopment of 190-200 Mass Ave was for a massive 5-story building with a FAR of 4.1 that would have caused the loss of 8,000 sq feet of business space in the heart of Capitol Square. 2) The Toraya block redevelopment at 882 Mass Ave has significantly reduced the previous commercial space (by 70% or so), replacing five former businesses with a four-story apartment building and only one space on the ground floor for commercial use.

Article 39 also contradicts the definition and purpose of some of our business districts, particularly the B1 and B2 districts (see below; emphasis added). Raising the FAR to 4.0 for mixed-use structures in these zones will create an internal conflict within our zoning bylaws.

Town of Arlington Zoning Bylaw, Section 5.5 Business Districts, Sub-section 5.5.1. Districts and Purposes:

A. **B1: Neighborhood Office District.** In the Neighborhood Office District, the predominant uses include one- and two-family dwellings, houses with offices on the ground floor, or office structures which are in keeping with the scale of adjacent houses. Primarily located on or adjacent to Massachusetts Avenue, this district is intended to encourage preservation of small-scale structures to provide contrast and set off the higher-density, more active areas along the Avenue. Mixed-use buildings without retail space are allowed in this district. The Town discourages uses that would detract from the desired low level of activity, consume large amounts of land, or otherwise interfere with the intent of this Bylaw.

B. B2: Neighborhood Business District. The Neighborhood Business District is intended for small retail and service establishments serving the needs of adjacent neighborhoods and oriented to pedestrian traffic, and mixed-use buildings. Locations are almost all along Massachusetts Avenue or Broadway. The Town discourages uses that would detract from the district's small-scale business character or otherwise interfere with the intent of this Bylaw.

Arlington is already very dense, particularly East Arlington. This proposed FAR increase is so drastic, it's almost unbelievable. What is the precedent for raising the FAR by so much in all business districts across the board, in one exponential leap? The traffic and parking implications are frightening (and should be properly studied before such a proposal can be considered), not to mention pedestrian and vehicular safety, and the erosion of the small-town character and charm of our business districts.

For comparison, here are some of the maximum floor area ratios allowed in business districts in nearby towns*. *You will not see a FAR of 4.0 anywhere*, because it's simply NOT a realistic ratio for neighborhood/local business districts like the ones we have here in Arlington!

- **Brookline** - maximum FAR 0.5 to 1.75 (Coolidge Corner's FAR is 1.75).
- **Newton** – maximum FAR 1.0 to 2.5 in mixed-use districts (a FAR of 2.5 is only allowable by special permit).
- **Watertown** – maximum FAR 1.0 in Regional Mixed-Use Districts (Arsenal Street corridor) and “in no instance shall increased intensity of use allowed by Special Permit exceed a FAR of 2.0” in the district.
- **Waltham** – FAR by right between 0.2 to 0.5 in business districts; a maximum FAR of 2.5 is allowed only by special permit.
- **Cambridge** - maximum FAR 0.75 to 1.75 in Cambridge local and neighborhood business zones.

A floor area ratio of 4.0 is not even remotely applicable to the business districts we have here in Arlington. If a higher FAR is desired in particular business areas, or for particular projects, there are better ways to achieve that than an indiscriminate increase as proposed in Article 39. A more carefully specified and realistic proposal could allow for better opportunities to engage in wider, more productive community conversation and planning. It could also allow Arlington to adequately study the infrastructure, safety, housing, and economic implications of increasing the FAR and density in the different business districts. This sweeping increase just doesn't make sense.

I urge you to **vote “no action” on Article 39.**

Sincerely,
Stephanie M. Hansel
3 Cleveland Street

*Maximum FAR numbers presented for neighborhood/local business districts in nearby towns do not include specific overlay districts, which have specific development goals.

February 22, 2022

Arlington Redevelopment Board
730 Mass Ave. Annex
Arlington, MA 02476

Re: Article F Proposed Change to Zoning Map to Expand Business District (155 , 151, 147, 150 MassAve.)

Dear Chairperson Zsembery,

I recently received a notice of the above-referenced proposed zoning map amendment. I support the expansion of business in Arlington but it is important to ensure we continue to provide a mix of compatible uses along this commercial corridor and that includes residential. East Arlington is quickly gentrifying and diverse and affordable housing options are becoming scarce. This proposed zone change would eliminate a large number of existing residential units.

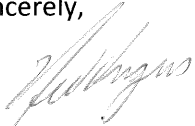
There are a few other factors that I hope the ARB looks at when considering this zone change. Many of the commercial buildings on corners along Mass. Ave. only address Mass. Ave. and completely ignore the side streets. As these lots are fairly deep and extend into the residential neighborhoods quite a bit, it is essential that any redevelopment consider the scale and context of the surrounding areas and include façade improvements that address both frontages and avoid blank facades along the side streets. It appears another Zone Change proposed (Enhanced Business Districts) would address some of this.

Another concern is delivery access and waste management. Commercial waste management is almost always located in the rear, directly adjacent to the abutting residential properties and this creates potential public health issues when businesses do not regularly maintain these areas. When placed in the rear, these areas are often "out of sight- out of mind" for the businesses - but not the adjacent residents. I'm sure you have heard of the exploding rat population in our neighborhoods so proper containment, control, management and enforcement is essential if more businesses are going to be permitted in this area.

I'm certain that most of my issues/concerns raised above can be addressed through good design but the petition for the zone change does not appear to provide a great deal of supporting information or detail. Without a broader analysis, review, and consideration of the potential impacts on both Mass. Ave and the adjacent residential side streets, it may be premature to consider re-zoning these properties at this time.

I trust that if the ARB does consider supporting this zone change, they will ensure the above issues are taken into consideration during the design review of any future redevelopment proposal. Thank you for the opportunity to comment and thank you to the ARB and the Planning and Community Development for all the work you do to keep Arlington growing in a more sustainable direction.

Sincerely,



Neil Angus, FAICP, LEED AP
5 Melrose Street

Cc: Jennifer Raitt, Director, Planning & Community Development

From: James Fleming <jflemingwpi13@gmail.com>

To: Jenny Raitt <jraitt@town.arlington.ma.us>, Rachel Zsembery <rzsembery@town.arlington.ma.us>, Kin Lau <klau@town.arlington.ma.us>, Eugene Benson <eugene.b.benson@gmail.com>, Kelly Lynema <klynema@town.arlington.ma.us>, mtintocalis@town.arlington.ma.us, srevilak@town.arlington.ma.us

Date: Thu, 17 Mar 2022 15:20:32 -0400

Subject: Article 40: Expand Business Districts

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Hi Jenny, Kelly

I checked the agenda for the 3/21 ARB meeting and saw that there was a comment from an A. Bala, the other owner of 151 Mass Ave. They are opposed to the re-zoning petition.

I'd like the ARB (copied here as well) to be aware of this. One of my comments in the public hearing was that a majority of owners were in support -- 3 in favor, 1 opposed, 1 unknown. Ajay was one of the 3 I counted as being in favor, based on prior email correspondence.

Whether due to a change of mind, or my misinterpreting his statement at the time, I would like to amend my prior statement -- there are 2 in favor, 2 opposed, 1 unknown.

- James

From: Paul <paul456x@gmail.com>
To: Jennifer Raitt <jrait@town.arlington.ma.us>
Cc: Eugene Benson <EBenson@town.arlington.ma.us>, Kin Lau <KLau@town.arlington.ma.us>, Melisa Tintocalis <mtintocalis@town.arlington.ma.us>, Rachel Zsembery <rzsembery@town.arlington.ma.us>, Stephen Revilak <srevilak@town.arlington.ma.us>
Date: Fri, 18 Mar 2022 11:45:01 -0400
Subject: Warrant Article 39 Comment

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CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders. Please note my comment below regarding the review of Article 39 by the Redevelopment Board at the upcoming March 21st meeting..

Please add this communication to the correspondence received for this meeting and any other consideration of proposed Warrant Article 39.

Thank you.

Paul Parise
Hemlock St.

ARTICLE 39 ZONING BYLAW AMENDMENT / MIXED USE IN BUSINESS DISTRICTS

The proposed article indicates changing the FAR allowed in certain business districts to 4.0. Given all the other requirements (setbacks, open space, parking, etc.) this proposed FAR seems extremely high. In my opinion, it would lead to very dense and tall residential developments with only a small token of commercial space required in the overall building volume. Compared to the FAR requirements for mixed-use of nearby cities and towns (as was cited by another commentator), the FAR requirement of 4.0 seems wholly inappropriate for Arlington.

I urge the Board to vote No Action on this warrant article.

While I support mixed use development in these main thoroughfare areas, it seems that recent mixed use developments have led primarily to residential spaces with only a token street level area/space reserved for commercial use. While not part of this warrant article, it seems important to me that we find means and methods to promote more commercial development in these mixed use buildings.

From: Thomas Allor <thomas.allor@gmail.com>

To: Jenny Raitt <jraitt@town.arlington.ma.us>

Date: Sat, 19 Mar 2022 08:26:21 -0400

Subject: Article 39: Zoning Bylaw amendment/ increased floor area ratio for mixed use structures in business districts

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Dear Miss Raitt,

I am writing to register my opposition to this warrant article.

The article proposes an increase in the Floor Area Ratio to 4.0 for mixed use structures in all business districts. That is more than 2.5x the current ratio of 1.5.

This is too much and too broad. It will have several detrimental effects and make our neighborhoods a lot more dense without any planning or consideration on the town's current infrastructure to support such rapid growth. Causing unforeseen costs to the town and tax payers. Please consider No-Action of this Article. Thank you.

Regards,
Tom Allor
151 Mass Ave
Arlington, MA

From: Diane Bradley <dianebradley9@hotmail.com>
To: "Jraitt@town.arlington.ma.us" <Jraitt@town.arlington.ma.us>
Date: Sat, 19 Mar 2022 18:19:22 +0000
Subject: Article 40

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Please vote NO, thank you
Sent from my iPhone

From: Don Seltzer <timoneer@gmail.com>
 To: Rachel Zsembery <rzsembery@town.arlington.ma.us>, KLau@town.arlington.ma.us, Eugene Benson <EBenson@town.arlington.ma.us>, MTIntocalis@town.arlington.ma.us, Stephen Revilak <srevilak@town.arlington.ma.us>
 Cc: Jenny Raitt <JRaitt@town.arlington.ma.us>
 Date: Sat, 19 Mar 2022 13:24:55 -0400
 Subject: Fiddling with FAR - Article 39

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CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.
 Correspondence to the Redevelopment Board

In reviewing the presentation posted in support for Article 39, Increasing FAR Limits, I was immediately struck by the serious factual errors it contains. The petitioner does not understand how FAR is calculated and the examples given for existing Arlington properties are grossly incorrect. Furthermore, there is nothing in the presentation to suggest an understanding that FAR is not some independent metric, but is just one interrelated element in an array of dimensional restrictions, as noted in the Planning Dept memo.

Below I provide the Board with the corrected values for the Capitol Theatre Block and 5-11 Water St.

204 Mass Ave: the Capitol Block

- District: B3 **39208 sq ft**
- Gross Floor Area: ~~61448 sq ft~~
- Lot Area: 23810 sq ft
- FAR: ~~2.6~~ **1.65**
- Max FAR under current zoning: 1.4



The actual countable gross floor area of the Capitol Theatre Block is 39,208 sq ft.
 The petitioner has incorrectly included the below ground cellar area.
 The real FAR is 1.65.

The primary reason that this building is non-compliant with today's zoning bylaw is that it lacks any rear yard setback. Our ZBL respects the rights of adjacent homeowners to not have 35 - 60 ft tall buildings built right up to the property line. The chief impediment to erecting a Capitol Theatre building today is the need for a 30 ft rear yard setback, as a buffer from the adjacent residential properties, and also to accommodate required landscaping and parking.

Supposing that there were such a 30 ft wide strip added, the FAR would drop to 1.36, completely compliant with the current B3 FAR requirement.

5 Water Street Offices

- District: B5 **27,492 sq ft**
- Gross Floor Area: ~~36,656 sq ft~~
- Lot Area: 16,515 sq ft
- FAR: ~~2.2~~ **1.66**
- Max FAR under current zoning: 1.8



The actual countable gross floor area of 5-11 Water St is 27,494 sq ft. The petitioner has again incorrectly included the below ground cellar and parking area. The real FAR is 1.66.

This is already compliant with the B5 FAR limit of 1.8.

For his vision of what could be built under the proposed article, the petitioner cites last year's proposal for the Christo Block, at 190 Mass Ave. The presentation features a highly distorted perspective view which suggests that the 50 ft tall building would somehow appear to be no taller than the 30 ft tall utility poles adjacent.



The claim is that the only reason that this building could not be built was the unreasonable FAR. As this Board knows, there were many residents who spoke eloquently on the detrimental impact on their neighboring homes. There were numerous other ZBL violations such as insufficient rear yard setback, failure to comply with 5.3.17 on upper story setbacks, 5.3.8 on street yard setbacks for corner lots, and zero usable open space. And then there was the little matter of eliminating nearly 80% of the street level commercial space on a block that is central to the Capitol Square business district.

FAR is but one interrelated element in an array of dimensional requirements in our ZBL. If the other requirements could have been met, it is likely that FAR would not have been an obstacle to the redevelopment of this block.

Not every lot is suitable for 5 story buildings.

Don Seltzer

Irving St

March 20, 2022

Chair and Board Members,

Large Additions v. New Construction

There is a disparate treatment of large additions, which require a Special Permit, and new construction, which can proceed by right even though it may have greater negative impacts than a large addition and/or be much larger than the remodeled home.

There should be a level playing field for these types of construction, no unfair advantage of one over the other. That would be in greater conformance with the Master Plan, Zoning Bylaw and consideration of neighbors and the neighborhood.

A Special Permit process should be required for new construction or demo/new construction where the resulting building(s) are greater than 750 square feet or 50% more than the original home.

Here is an example.

25 Brunswick Rd, a 3200 square foot house sold in 2020. If a new owner wanted to increase the size of the house to 4000 square feet (greater than 750sf addition), they would have to apply for a Special Permit and have a Public Hearing with notice to neighbors, for their input.

The Board of Appeals would have to “find that the alteration or addition is in harmony with other structures and uses in the vicinity.”

In making its determination, the Board of Appeals “shall consider, among other relevant facts, the proposed alteration or addition’s dimensions and setbacks in relation to abutting structures and uses and its conformity to the purposes of this Bylaw as set forth in Section 1.2”

Relevant portions of 1.2 include, “the conservation of natural conditions for flora and fauna and to serve as urban amenity for scenic and aesthetic enjoyment”, “It is made with reasonable consideration to the character of the district and to its peculiar suitability for particular uses”

The purpose of the R1 district is, “The Town discourages intensive land uses, uses that would detract from the single-family residential character of these neighborhoods, and uses that would otherwise interfere with the intent of this Bylaw.”

Instead, a developer purchased the house, tore it down, subdivided the lot, cut down most of the trees, and built three 4200+/- square foot houses, by right.

In a Special Permit hearing, would the Board of Appeals have been able to find that replacing a well screened 3200 square foot structure with over 12,000 square feet of buildings on clear stripped lots was, “ in harmony with other structures and uses in the vicinity”?

How would the Board have considered the three 4200 square foot structures, “dimensions and setbacks in relation to abutting structures and uses.”?

The details are below.

25 Brunswick Road

Arlington, MA 02476

\$1,100,000

Last Sold Price

5

Beds

2

Baths

3,211 Sq. Ft.

\$343 / Sq. Ft.

☆ Save

🔗 Share

Overview

Location

Property Info


Property History

Public Records

Schools

Similar Homes

Sold 5/29/20



LISTING UPDATED: 06/01/2020 03:28 PM

Status	Sold
MLS #	72472423
Days on Market	295
Taxes	\$14,521 / year
HOA Fees	-
Compass Type	Single Family
MLS Type	Single Family / Detached
Year Built	1949
County	Middlesex County

Original home



Street view of original Brunswick Rd home. You can just barely see the home through the trees.

31 Brunswick Rd Arlington, MA 02476

\$2,275,000  **JUST LISTED**

For Sale | Active | Single Family | 4 Beds | 5 Full Baths | 4,350 Sq. Ft. | 0.28 Acres
Updated 2 days ago

 **9 Photos**

 Map & Location

 Street View



Finished houses and street view.

How to Proceed in Requiring Special Permits for New Construction Meeting Thresholds

The purpose of requiring demo/new construction to get a Special Permit is to recognize that it is equivalent to or more impactful than a large addition.

The purpose is not to stop building or demolitions.

It does give an opportunity for neighbors to weigh in on impacts and that the Master Plan Implementation Committee did find

that is a problem.

Might putting large additions and demo/new on the same playing field slow down demolitions?

Probably, to the extent a hearing would need to be held, neighbors heard, and findings made.

Would new construction continue to dwarf existing and surrounding homes?

The Board of Appeals does have to find the alteration is in harmony with surrounding structures, so that could result in more consideration of the size of new homes.

Would requiring Special Permits give families more of a chance in buying existing homes to live in or remodel?

To the extent that the Special Permit process does take up some time and insert some uncertainty in the process, it could give families and individuals a fighting chance with development companies.

Would requiring Special Permits increase affordability?

Indirectly, as the home would be sold and occupied at its lower existing value, not replaced with another at twice the price, or 6 times the price in the Brunswick example.

The Board could modify the language of Article 36 to clarify that it applies to new construction; demo/new construction; and demo, subdivide, new construction; when the same additional square footage thresholds are crossed.

An alternative is to understand that the existing bylaws already

require a Special Permit for those situations.

A demolition and new construction is an “alteration” as defined in the bylaw.

Demo and new construction is, “construction, reconstruction, or other **similar action** resulting in a change in the structural parts, height, number of stories, exits, size, use, or location of a building or other structure.”

If in doubt that this applies, the Zoning Bylaw, at 1.4, requires, “that provision which imposes the greater restriction, or the higher standard shall govern.”

5.4.2 requires a Special Permit for such alteration.

A demo, subdivide and new construction is also a change in “use” according to the definition.

“Use: The purpose for which a structure or lot is arranged, designed, or intended to be used, occupied, or maintained.”

A lot split is a rearrangement of the lot, and change in how it is to be used and occupied, as use for one house changes to use for 2 lots and two houses, or more.

5.4.2 requires a Special Permit for such change in use.

Stephen Blagden

Supporting Town Documents:

The Town adopted a Master Plan in 2015.

A Master Plan Implementation Committee was appointed to oversee and plan implementation.

Their April 2017 report to Town Meeting included:

“Study and consider techniques that could address concern for neighbor impacts of new large homes constructed in existing residential neighborhoods. The Residential Study Group was formed to address concerns regarding new construction in existing neighborhoods, as requested in a resolution at Spring 2016 Town Meeting.

The purposes of the Zoning By-Laws are:

“1.2 PURPOSES

The purpose of this Bylaw is to promote health, safety, convenience, morals and welfare of the inhabitants of the Town of Arlington; to lessen congestion in the streets; to conserve health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to encourage housing for persons at all income levels; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to protect and preserve open space as a natural resource, for the conservation of natural conditions for flora and fauna and to serve as urban amenity for scenic and aesthetic enjoyment and recreational use; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the Town; to achieve optimum environmental quality through review and cooperation by the use of incentives, bonuses and design review; and to preserve and increase its amenities and to encourage an orderly

expansion of the tax base by utilization, development, and redevelopment of land. It is made with reasonable consideration to the character of the district and to its peculiar suitability for particular uses, with a view to giving direction or effect to land development policies and proposals of the Redevelopment Board, including the making of Arlington a more viable and more pleasing place to live, work, and play.”

Applicable Definitions for this discussion:

Alteration: Any construction, reconstruction, or other similar action resulting in a change in the structural parts, height, number of stories, exits, size, use, or location of a building or other structure.

Use: The purpose for which a structure or lot is arranged, designed, or intended to be used, occupied, or maintained.

Section 5.4.1 A Residential Districts - Purposes

“(1) R0: Large Lot Single-Family District. The Large Lot Single-Family District has the lowest residential density of all districts and is generally served by local streets only. The Town discourages intensive land uses, uses that would detract from the single-family residential character of these neighborhoods, and uses that would otherwise interfere with the intent of this Bylaw.

(2) R1: Single-Family District. The predominant uses in R1 are single-family dwellings and public land and buildings. The Town discourages intensive land uses, uses that would detract from the single-family residential character of these

neighborhoods, and uses that would otherwise interfere with the intent of this Bylaw.”

5.4.2

“(6) Large Additions. No alteration or addition which increases the gross floor area of a building by 750 square feet or more, or by 50% or more of the building's gross floor area on the date of application for a permit or because of cumulative alterations or additions during the previous two years, shall be allowed unless:

- The addition is constructed entirely within the existing foundation, or
- The Board of Appeals, acting pursuant to Section 3.3, finds that the alteration or addition is in harmony with other structures and uses in the vicinity.
In making its determination, the Board of Appeals shall consider, among other relevant facts, the proposed alteration or addition’s dimensions and setbacks in relation to abutting structures and uses and its conformity to the purposes of this Bylaw as set forth in Section 1.2.”
- 1.4 Applicability
- “...Whenever the regulations made under the authority hereof differ from those prescribed by any statute, bylaw, other section of the Zoning Bylaw, or other regulation, that provision which imposes the greater restriction, or the higher standard shall govern.”

From: Andrew Hollett <andrewhollett@gmail.com>
To: mmuszynski@town.arlington.ma.us
Cc: jraitt@town.arlington.ma.us
Date: Sun, 20 Mar 2022 19:47:05 -0400
Subject: Support for Articles 38 and 39

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I received a flyer at my door decrying the ills of Article 39 and urging we reach out to Jennifer. So I just want to say as an Arlington resident I support these changes. Xavid's presentation makes clear the reason for the change and what it would and wouldn't do. Raising allowable maximums isn't a magic wand that outlaws smaller buildings. I'm saddened but not shocked by the arguments against. This doesn't green light 'high rises'; there are still separate height restrictions (mostly to 4 floors if I understood correctly). Neither does 38 make your single family home illegal. The idea that similar amendments destroyed this or that town you knew 20 years ago or somehow robs your future is really a shame.

Why do towns and neighborhoods change over the decades? Time passes on. The population is growing. We know we need new people entering the workforce to drive economic prosperity, and we want to continue to have staff in our local schools, pharmacies, restaurants, etc. Boston is a desirable metro area to live in with tons of opportunity. Those workers happen to be people who need to live somewhere. Arlington will not hold these pressures at bay with exclusionary zoning. What we can do is plan for a future we want. We should plan for more access to public transit, to be able to walk and bike to local businesses. As long as the city knows that it can accommodate what seem to me like modest changes to specific corridors, this drives a virtuous cycle of more foot traffic to support more businesses meaning more options that locals can walk or bike or bus to. Thank you for your consideration!

Andrew Hollett

To: Arlington Redevelopment Board and the Citizens of Arlington
From: Bill Borgia, Arlington Citizen, Property Owner and Taxpayer

Please add this input to the record regarding the entirety of the 2022 Annual Town Meeting Draft Zoning Bylaw Amendments:

I object to the approach and process the board is using to impose these new mandates, the haste at which the board is proceeding, the failure to incorporate citizen debate and input into the proposal, and the near unlimited, town-wide breadth of the proposal on the table. The board must proceed much more deliberately, working with the citizens to actually incorporate their input with either binding or advisory referenda; and experimenting with changes limited in area and scope, to provide a basis to actually validate the hypothetical ideas and effects that board members are pursuing.

Instead what we see is pure opportunism, with our politicians taking advantage of a recent change in Commonwealth law to impose sweeping changes, changes that that we citizens previously rejected. But now they are being pushed under a purported legal duress that is actually self-imposed.

Our politicians' first premise is: that Arlington "needs" new housing. This isn't an actual fact, it's a subjective assertion based on increasing demand for housing. Just because demand increases doesn't impose an actual burden on we citizens as our politicians claim, and in fact there are many ways for society to meet this demand. The idea of dramatically increasing the population of Arlington is a **choice** left to **today's** citizens of the town. Instead a small band of Elite Oligarchs is stepping to make this fundamental choice for us.

A proposal to change zoning, especially one intended to dramatically increase the population, is a monumental change. Once we build new units, there is no way to correct mistakes that are made in the process. This fact alone warrants that the board proceed both deliberately, as well as substantiate its accountability to the citizens of Arlington. After all, truly accountable leaders would seek validation from the voters through either binding or advisory referenda, as was required for issues of lesser magnitude, such as the budget override, and the high school bond issue. A documented, overwhelming popular opinion of today's voters choosing to increase the population is perhaps the only valid rationale for making such sweeping changes, yet our politicians have only sought pro forma input on their far-reaching proposals.

Second, more than 60 percent of Arlington's housing, both by land area and number of units, is already multi-family. This is especially true in East Arlington, which is one of the most densely populated areas in the Commonwealth, and has considerable access to public transit. We are largely if not fully compliant today with the new law requiring a single multi-family district; in fact we actually have several multi-family districts with large numbers of existing multi-family units. And even if we're not compliant, the new law only justifies minor changes, not a wholesale change to the zoning of the entire town.

Finally, the idea that these changes "support public transit" not only lacks critical thought, it's laughable given recent experience with the MBTA. There's nothing in the act that actually compels the MBTA to provide more service for an expanded community. In fact, the MBTA has recently **reduced** service to Arlington, with lower frequencies in high-density East Arlington on the critical 77 and 350 buses, and permanent elimination of the 79 bus. We taxpayers who use public transit already feel the pain from this loss, and know these sweeping zoning changes will indeed make it much worse.

The politicians assert that, because individual property owners have a choice to redevelop their own properties, actual changes would happen over many years. So why would we pursue a one-time, sweeping town-wide change, but rather seek specific neighborhoods who find these changes palatable, and experiment gradually with small districts to evaluate whether hypothetical changes are having the desired effects? Following evidence-based practices like this not only ensures better results, it also helps strengthen public support for reshaping our neighborhoods.

The politicians are our elected servants. They are to serve we the people, not act as Elite Oligarchs. These changes are being advanced on false and invalid premises; they are pursuing monumental changes that provide little room for error; and most critically, they have failed in their obligation to, in good faith, seek and **incorporate** public support from we the people.

Regardless of what process the Commonwealth may “allow,” our elected servants have a singular, solemn duty to today’s sovereign citizens of Arlington. A goal to dramatically increase the population is a choice for today’s voters through either advisory or binding means. Not the ‘Redevelopment Board,’ not Town Meeting, not the Select Board, and definitely not the Town Manager; but kept by the Sovereign, today’s voters. It’s past time that the Arlington Redevelopment Board backs down on the breadth and scope of these changes, and instead pursues evidence-based, incremental changes that garner overwhelming support at the ballot box.

From: KELLIE DOHERTY <kmd19@verizon.net>

Date: March 21, 2022 at 1:56:54 PM EDT

To: jraitt@townl.arlington.ma.us

Cc: ebenson@town.arlington.ma.us, klau@town.arlington.ma.us, srevilak@town.arlington.ma.us, mtintocalis@town.arlington.ma.us, rzsemlery@town.arlington.ma.us

Subject: Article 39

Ms. Raitt and ARB members:

I recently learned of Article 39 and wanted to share my thoughts on the matter. I will attempt to be succinct. Increasing density on MA Ave is a complex issue with both pros and cons even after careful consideration, review, and even if special permits are required in order to allow it, as Towns such as Newton require.

Therefore my primary concern is the scale of the proposed FAR increase being discussed AND the lack of detailed evaluation tied to it. Things that should require specific evaluation for such an intensive FAR include:

- shadowing (to homes adjacent to MA Ave) and nighttime lighting spillover to adjacent homes
- adequacy of traffic and loading/unloading zones (particularly for frequent turnover developments like rentals)
- review of road/parking capacity to ensure safety near major intersections, schools, playgrounds & parks
- adequate emergency infrastructure, adequate access, staging and evacuation areas proximate for 5 story residential buildings ...without closing MA Ave, key intersections or significantly affecting neighboring residences.
- % business loss (sq foot/tax revenue)
- % affordable housing gain
- noise pollution, particularly from associated parking garage exit warnings, back up generators, etc.
- energy use and air pollutants ... generators, solar, green bldg etc.
- adequacy of existing sewer and water and storm water infrastructure, including water pressure (fire protection pressures too) with large scale residential additions.

I could go on about a number of visual and character and facade issues that are likely even more important to most Arlington residents but I know that Arlington does have design standards that seek to address those. I will summarize with my key comment:

Any increase in FAR should be a "carrot" to developers and not an automatic giveaway. It should require a special permit at a minimum, as in Newton, and should be used to reward developers who do proper site analysis and design and give due consideration to the concerns of neighbors and the needs of the Town.

Thank you,
Kellie

Sent from my iPad

Lara Curtis Hayes

5 Cleveland Street
Arlington, MA 02474
lara.curtis@gmail.com

March 21, 2022

Arlington Redevelopment Board

% Jennifer Raitt, Director, Planning & Community Development
Town of Arlington
Sent via email

Dear members of the Arlington Redevelopment Board,

I am writing to express my concern and opposition to Town Meeting Warrant Article 39 (aka "L"), the zoning amendment that would raise the allowed FAR for mixed use development in all business districts to 4.0.

This warrant article would raise the allowed FAR in our business districts to a level beyond acceptable. An FAR of 4.0 is, simply, extremely high – too high to blanket rezone almost all of our town's business districts. Very few neighboring municipalities allow an FAR this high in any of their business districts, let alone nearly all of them. Allowing such a high FAR in our zoning should be done, if at all, with care for the district's location and an understanding of the impacts on the surrounding neighborhood. Good planning best practices would allow such a high FAR only in concert with strict design requirements and other safeguards that neighboring properties could depend on – not the flexible Environmental Design Review special permit.

Since the warrant article was submitted with very little explanation or argument, I am left to guess at its motivation. Rumor has hinted that it is designed to increase the development of affordable housing, and if so, this is hardly the best tool in the toolbox; it shows little consideration for the existing neighborhood fabric. Several Massachusetts municipalities meet the 10 percent affordable housing threshold without such high allowed FAR limits. As this would be such a significant zoning change, the petitioner should have provided research and data to support its adoption.

When making a zoning change, care should be taken as mistakes are made in bricks and concrete and cannot easily be undone. This article feels more like an attempt to slip something through. **I urge you to recommend "No Action" on zoning amendment Article 39.**

Sincerely,

Lara Curtis Hayes, AICP

Catherine Pedersen

31 Chandler Street
Arlington, MA 02474
cathay.pedersen@gmail.com

21st March 2022

Arlington Redevelopment Board

730 Mass Ave Annex
Arlington, MA 02476

Dear ARB members,

I'm writing to ask that you vote against Article 39: the Zoning bylaw amendment that would dramatically increase the floor area ratio for mixed-use structures in Arlington business districts from 1.5 to 4.0.

This is too dramatic of an increase.

Arlington hasn't even had an opportunity to recover from the pandemic and we are already considering an enormous increase to FAR that would forever change the character of the town. It doesn't make sense to do this without a thorough review of every aspect of this decision:

- Arlington would by far have the highest FAR in the area (even Cambridge only has a FAR of 1.75). What is the justification for Arlington having a significantly higher FAR than Cambridge, Bookline, Newton, Watertown, and Waltham?
- Do we know whether such a FAR increase would do anything to entice new commercial renters?
- Do we even know whether a dramatic increase in FAR would help town residents who need more affordable housing?
- Have we done a study yet of the impact of ADUs in providing additional affordable housing? I.e., do we even need to increase FAR now that ADUs are allowed?
- Do we know whether the town's schools can support such a FAR increase?
- Do we know whether we have enough parking spots to support such a FAR increase?
- Are there concerns about increased traffic and bottlenecks, particularly where developers are trying to flip their modest properties into highly lucrative high-rises?
- Commercial renters in town have complained for years about rental increases forcing them out of business. Would an extreme FAR increase reward such a business practice?

-
- Do we know whether most town residents are even aware of this potential change? Has any polling been done?

Please put the brakes on this extreme increase at this time. It doesn't make sense to even be considering this without a thorough examination of the implications, and without taking into account the interests of as many town residents as possible.

Thank you,

Catherine Pedersen

From: Laura Wiener <laura.wiener73@gmail.com>
To: Jenny Raitt <JRaitt@town.arlington.ma.us>
Date: Mon, 21 Mar 2022 08:23:49 -0400
Subject: Article 39—FAR in Commercial zones

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Dear Jenny and Redevelopment Board Members,

I am writing in support of Article 39, allowing greater FAR in Commercial zones. Arlington needs to add more housing. Prices here are escalating at an alarming rate, threatening our diversity and for many residents, their ability to live here. The commercial zones are the logical place to add multi-family housing.

Building housing near transit, along Mass. Ave. and Broadway, is more environmentally sustainable because it allows residents to drive less, and uses less land area per household than single family homes.

Mass. Ave. Is a wide corridor, making it a good place to build higher buildings with less impact. Additional residents in commercial zones will add customers for our local businesses and restaurants. Building more units will add to our affordable housing inventory through inclusionary zoning. The units will likely be smaller than single family homes, the predominant form of housing in Arlington. Smaller units provide options for small households, including seniors.

In summary, this article could have a meaningful impact on housing availability with minimal impact on traffic and open space. It can add affordable housing as well as smaller units of market rate housing, and could add vibrancy to our business districts.

I hope you will vote to support this meaningful reform by sending this Article to Town Meeting with a favorable recommendation. Thank you for your service to the Town.

Sincerely,
Laura Wiener
73 Jason Street
Arlington

Sent from my iPad