



Town of Arlington, MA Redevelopment Board

Agenda & Meeting Notice April 4, 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. Public comments will be accepted during the public comment periods designated in the agenda. Per Board Rules and Regulations, public comments will be accepted during the public comment periods designated on the agenda. Written comments may be provided by email to jraitt@town.arlington.ma.us by April 4, 2022 at 4:00 p.m. The Board requests that correspondence that includes visual information should be provided by April 1, 2022 at 12:00 p.m.

The Arlington Redevelopment Board will meet Monday, April 4, 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/83642279358>, Meeting ID: 836 4227 9358, or by calling (646) 876-9923, Meeting ID 83642279358, followed by #.

1. 2022 Annual Town Meeting – Zoning Warrant Articles

7:30 p.m. The ARB will deliberate and may vote on the proposed zoning amendments for 2022 Annual Town Meeting

- Board members will discuss each proposed Main Motion and may vote with a recommendation to Town Meeting

2. Meeting Minutes (3/7/22, 3/14/22, and 3/21/22)

9:00 p.m. Board members will review and may vote on 3/7/22, 3/14/22, and 3/21/22 meeting minutes

3. Open Forum

9:15 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

9:35 p.m. Estimated time for adjournment

5. Correspondence received during Public Hearings:

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 3-20-2022
A. Hollett 3-20-2022
B. Borgia 3-21-2022
K. Doherty 3-21-2022
L. Curtis Hayes 3-21-2022
E. Maynard 3-21-2022
C. Noah 3-21-2022
C. Pedersen 3-21-2022
L. Wiener 3-21-2022
G. Sinnott 3-25-2022
M. Polking 3-27-2022

6. Correspondence received after 3-28-2022:

M. Nathan 3-30-2022
C. Heigham 3-30-2022
F. Pasciuto 3-31-2022
B. Thornton 3-31-2022 (two letters)
L. Vivenzio 3-31-2022

A. LaCourt 4-2-2022
P. Worden 4-2-2022
M. Klein Collins 4-3-2022
C. Marceau 4-3-2022
G. Sinnott 4-3-2022
J. Barr 4-4-2022
E. Cahill 4-4-2022 (two letters)
L. Einsenberg 4-4-2022
J. Gottler 4-4-2022
R. Roth 4-4-2022



Town of Arlington, Massachusetts

2022 Annual Town Meeting – Zoning Warrant Articles

Summary:

7:30 p.m. The ARB will deliberate and may vote on the proposed zoning amendments for 2022 Annual Town Meeting

- Board members will discuss each proposed Main Motion and may vote with a recommendation to Town Meeting

ATTACHMENTS:

Type	File Name	Description
Reference Material	Agenda_Item_1_-_ARB_Draft_Zoning_Amendments_for_2022_ATM_DRAFT2.pdf	ARB Draft Zoning Amendments for 2022 ATM



Town of Arlington

ARLINGTON REDEVELOPMENT BOARD

DRAFT Zoning Bylaw Amendments for 2022 Annual Town Meeting

Rachel Zsembery, Chair

Kin Lau, Vice Chair

Eugene Benson

Melisa Tintocalis

Stephen Revilak

Jennifer Raitt

Secretary Ex-Officio

Director of Planning and Community Development

Voted as amended _____

Introduction and Overview

The Arlington Redevelopment Board (ARB) has statutory authority over M.G.L. c. 40A as the Town's planning board (Section 2 of Section 17 of the Town Manager Act) and M.G.L. c. 41 § 81 as the Redevelopment Authority. The ARB was created by a Town Meeting-adopted home rule petition, followed by a State Legislature act to form the ARB in 1971. The Department of Planning and Community Development was created in 1969. The authority and role of the ARB is included in Article 17 of the Town Manager Act. As a planning board, the ARB is charged with developing Arlington's Master Plan; proposing bylaws, regulations, and rules to implement the Master Plan; and applying those bylaws, regulations, and rules. Lastly, the ARB serves as a special permit granting authority. The ARB is also a duly constituted redevelopment authority formed under the authority of M.G.L. c. 121B. As a redevelopment authority, the ARB can buy, sell and hold property and it is because of these powers that the ARB acts as landlord, responsible for many properties that the Town Meeting has seen fit to put under the Board's jurisdiction. With Town Meeting approval, the Board may hold property to improve and rehabilitate to meet community development goals.

The members of the ARB are as follows:

Rachael Zsembery, Chair (Term through 6/30/2023)

Kin Lau, Vice Chair (Term through 1/31/2022)

Eugene Benson (Term through 1/31/2023)

Melisa Tintocalis (Term through 1/31/2023)

Stephen Revilak (Term through 9/22/2023, Gubernatorial designee)

Jennifer Raitt, Secretary Ex-Officio and Director of the Department of Planning and Community Development

Zoning Articles Overview

The ARB review process for 2022 Annual Town Meeting began in January with the close of the Warrant and will culminate after Town Meeting with a submission by the Town Clerk of any approved zoning amendments to the Attorney General. A detailed description of the submission, review process, and schedule is posted on the [ARB website](#).

When any warrant article proposes to amend the "Town of Arlington Zoning Bylaw," the ARB is required to issue a report with recommendations to Town Meeting. Appearing below are articles that propose to amend the Zoning Bylaw and Zoning Map. This report includes a brief discussion of the intent of each proposed amendment followed by a recommended vote of the ARB. The ARB's vote constitutes its recommendation to Town Meeting. The recommendations of the ARB, and not the original warrant articles, are the actual motions that will be considered by the Town Meeting. An ARB vote of "No Action" means that Town Meeting will be asked to vote that no action be taken on the proposed warrant article. Changes to the Zoning Bylaw text are shown beneath the recommended votes. Additions to the original Zoning Bylaw text appear as underlined text, while any deletions to the original Zoning Bylaw text appear as strike through text.

The ARB advertisement for the public hearings on the Warrant Articles proposed to amend the Zoning Bylaw appeared in the *Arlington Advocate* as required on February 17 and February 24, 2022. In accordance with the provisions of the Arlington Zoning Bylaw and Massachusetts General Laws Chapter 40A, the ARB held public hearings and heard public comments remotely on Zoom on the proposed amendments on Monday, March 7, 2022, Monday, March 14, 2022, Monday, March 21, 2022, and Monday, March 28, 2022. The ARB voted _____ on recommended bylaw language at their meeting on April __, 2022. The ARB voted _____ on this report as amended at their meeting on April __, 2022.

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Summary of Recommended Votes of the Redevelopment Board

Article No.	Date of ARB Hearing	Recommendation to Town Meeting
Article 28	March 7, 2022	
Article 29	March 7, 2022	
Article 30	March 7, 2022	
Article 31	March 14, 2022	
Article 32	March 28, 2022	
Article 33	March 28, 2022	
Article 34	March 21, 2022	
Article 35	March 21, 2022	
Article 36	March 21, 2022	
Article 37	March 28, 2022	
Article 38	March 7, 2022	
Article 39	March 21, 2022	
Article 40	March 14, 2022	
Article 41	March 14, 2022	
Article 42	March 14, 2022	
Article 43	March 14, 2022	
Article 44	March 14, 2022	
Article 45	March 21, 2022	

Zoning Bylaw Amendments: Enhanced Business Districts

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE 28

ZONING BYLAW AMENDMENT/ ENHANCED BUSINESS DISTRICTS

To see if the Town will vote to amend the Zoning Bylaw to update Section 5 DISTRICT REGULATIONS to encourage pedestrian activity, maintain an active street, and limit the amount of ground floor retail space occupied by banks, offices, lobbies, and other non-active uses, when feasible; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

Discussion:

tktktktktk

ARB Vote and Recommendation to Town Meeting: The Redevelopment Board voted () to recommend Action/No Action on Article . That the Zoning Bylaw be and hereby is amended as follows:

Amend SECTION 5.5.2:

Add section 5.5.2(B)

5.5.2(B) Development Standards

- (1) Purpose. The purpose of this Section 5.5.2(B) is to encourage pedestrian activity, maintain an active street, and to encourage the development of active ground floor uses.
- (2) Applicability. In the Business Districts, new construction, additions over 50% of the existing footprint, or redevelopment subject to review by the Arlington Redevelopment Board shall be governed by all requirements of this Section 5.5.2(B) as well as all other applicable provisions of this Bylaw.
- (3) Administration. This Section 5.5.2(B) shall be administered subject to Sections 3.3, Special Permits, and 3.4, Environmental Design Review by the Arlington Redevelopment Board.
- (4) Standards

Transparency and access. In the Business Districts, the following requirements apply to all new construction, additions over 50% of the existing footprint, or redevelopment:

- The required minimum transparency of the ground floor principal façade visible from a public right-of-way is 60% of the area measured between 2 and 8 feet in height from the level of the finished sidewalk.
- All façades visible from a public right-of-way shall be given equal treatment in terms of architectural detailing. No blank façades that face a public right-of-way are permitted. Façades shall be articulated a minimum of every 30 feet.
- Each ground floor storefront in a building shall have a clearly defined primary entrance that faces the principal street. A corner door may be used for a building that faces two public streets.

Zoning Bylaw Amendments: Enhanced Business Districts

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

- The primary building entry shall be connected by an accessible surface to the public sidewalk.
- Lobby entrances for upper story uses should be optimally located, well defined, and clearly visible. Buildings should use any combination of articulation, a double-height ceiling, a distinctive doorway, a change in wall material, a change in paving material within the frontage area, or other architectural element(s) to make lobbies visually and materially distinctive. Lobby entrances for upper story uses may be located on a side or rear façade of a building.
- Lobbies should be limited in both width and total area to preserve floor space and façade frontage for other ground floor uses.

Existing commercial spaces with frontage exceeding the above dimensional requirements are exempt.

Zoning Bylaw Amendment: Solar Energy Systems

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE 29

ZONING BYLAW AMENDMENT/ STREET TREES

To see if the Town will vote to amend the Zoning Bylaw to update Section 2 DEFINITIONS and Section 6 SITE DEVELOPMENT STANDARDS to require street tree plantings for every 25 feet of property facing a street, when feasible; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

Discussion:

tktktktktk

ARB Vote and Recommendation to Town Meeting: The Redevelopment Board voted () to recommend Action/No Action on Article . That the Zoning Bylaw be and hereby is amended as follows:

Amend Section 2:

Public Shade Tree: A tree planted within the furnishing zone of a public way as an element of a thoroughfare consistent with [G.L c. 87, § 1](#).

Amend Section 6:

6.3 PUBLIC SHADE TREES

6.3.1 Purpose

The purpose of this Section 6.3 is to:

- A. Provide for adequate shade tree coverage along Arlington's main corridors;
- B. Implement carbon neutral policies of the Town of Arlington;
- C. Address heat island effects emanating from Arlington's main corridors;
- D. Enhance public health and walkability with proper shading.

6.3.2 Applicability

In the Business Districts, new construction, additions over 50% of the existing footprint, or redevelopment subject to review by the Arlington Redevelopment Board shall provide one public shade tree every 25 linear feet of lot frontage along the public right of way.

6.3.3 Administration

- A. This Section 6.3 shall be administered subject to Sections 3.3, Special Permits, and 3.4, Environmental Design Review by the Arlington Redevelopment Board.

Zoning Bylaw Amendment: Solar Energy Systems

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

- B. After the effective date of this Bylaw, public shade trees shall be provided for any applicable use noted above and subject to Section 3.4, Environmental Design Review and in accordance with the Standards established in this Section 6.3.

6.3.4 Standards

- A. Street trees shall be planted within existing and proposed planting strips, and in sidewalk tree wells on streets without planting strips.
- B. Trees shall be selected from the approved tree list set forth by the Tree Committee and approved by the Tree Warden.
- C. When planted, trees must be a minimum height of ten (10) feet or two (2) inches in caliper.
- D. All new trees shall be maintained in accordance with American Standard for Nursery Stock standards or other standards that the Redevelopment Board may designate for a period of no less than 36 months from the date of planting. Properties in which there are preexisting public shade trees at the required spacing along the public right of way are exempt.
- E. Where there is no other suitable location within the right of way, shade trees may be proposed in locations within the lot, or in exceptional circumstances, the Arlington Redevelopment Board may allow the owner to make a financial contribution to the Arlington Tree Fund.

The Arlington Redevelopment Board may grant an increase in spacing between plantings where a new planting would conflict with existing trees, retaining walls, utilities, and similar physical barriers, or other curbside uses.

6.3.5 Computation

When computation of the number of public shade trees results in a fractional number, any result of 0.5 or more shall be rounded up to the next consecutive whole number. Any fractional result of less than 0.5 may be rounded down to the previous consecutive whole number. The Arlington Redevelopment Board may allow the owner to make a financial contribution to the Arlington Tree Fund in an amount equivalent to the full and fair market value of the additional whole tree.

Zoning Bylaw Amendment: Solar Energy Systems

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE 30

ZONING BYLAW AMENDMENT/ SOLAR ENERGY SYSTEMS

To see if the Town will vote to amend the Zoning Bylaw to update Section 2 DEFINITIONS and Section 6 SITE DEVELOPMENT STANDARDS to allow for and require installation of solar energy systems for buildings subject to Environmental Design Review with certain exceptions; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

Discussion:

tktktktktk

ARB Vote and Recommendation to Town Meeting: The Redevelopment Board voted () to recommend **Action/No Action** on Article . **That the Zoning Bylaw be and hereby is amended as follows:**

Amend SECTION 2 by creating category “Definitions Associated with Solar Energy Systems”:¹

Photovoltaic System (also referred to as Photovoltaic Installation): A solar energy system that converts solar energy directly into electricity.

Roof-Mounted Solar Photovoltaic System: A solar photovoltaic system that is structurally mounted to the roof of a building or structure.

Solar Energy System: A device or structural design feature, a substantial purpose of which is to provide for the collection, storage, and distribution of solar energy for space heating or cooling, electricity generation, or water heating.

Solar Ready Building: A building able to carry the installation of a solar energy system on a designated section of the structure following its construction.

Solar Ready Zone: Fifty percent or more of a roof area that is either flat or oriented between 110 and 270 degrees of true north, exclusive of mandatory access or setbacks required by the Massachusetts Fire Code.

Solar Thermal System: A solar energy system that uses collectors to convert the sun’s rays into useful forms of energy for water heating, space heating, or space cooling.

Amend SECTION 6:

6.4 Solar Energy Systems

6.4.1. Requirement for Solar Energy Systems

¹ Highlighted text indicates changes from the 2022 Annual Town Meeting Draft Zoning Bylaw Amendments published on February 17, 2022.

Zoning Bylaw Amendment: Solar Energy Systems

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

A project requiring Environmental Design Review per Section 3.4.2 of this Bylaw shall include a solar energy system that is equivalent to at least fifty percent of the roof area of the building or buildings that are the subject of the review. The Redevelopment Board may require a smaller percentage of the roof area to include a solar energy system when at least fifty percent of the roof area is not viable for a solar energy system.² Where a site includes a parking structure, the structure shall also have a solar energy system that covers at least ninety percent of its top level.

The Arlington Redevelopment Board may adopt rules and regulations to specify the information required to be in an application for Environmental Design Review to implement Section 6.4 of this Bylaw.³

6.4.2. Exemptions

A solar energy system on the roof of a building or other structure is not required:

- A. Where there is no solar ready zone or the solar ready zone is shaded for more than fifty percent of daylight hours annually;
- B. For an existing building or building conversion with insufficient structural load capacity;
- C. For a building in a Historic District when the relevant Historic District Commission has denied a certificate of appropriateness, non-applicability, or hardship to allow a solar energy system on the building under the standards and procedures set forth in the Town Bylaws Title VII, Historic Districts;
- D. When an application for an Environmental Design Review is for
 - (1) A change of use alone;
 - (2) An alteration to the façade that does not affect the architectural integrity of the structure per Section 3.4.2 of this Bylaw;
 - (3) Outdoor uses per Section 3.4.2(H) of this Bylaw;
 - (4) Temporary, seasonal signage per Section 3.4.2(I) of this Bylaw; or
 - (5) Sign approval per Section 6.2 of this Bylaw.
- E. When inconsistent with reasonable regulation of religious, non-profit educational, and childcare facilities used primarily for such purposes as set forth in G.L. c. 40A, §3, as implemented by section 3.5 of this Bylaw and the regulations adopted thereunder.

The requirements of this Section may be reduced or waived when the applicant proposes, and the Arlington Redevelopment Board determines there is a better alternative that meets the goals of this Section 6.4.

6.4.3. Location and Safety

- A. Emergency Access. Solar energy systems shall be mounted to ensure emergency access to the roof, provide pathways to specific areas of the roof, provide for smoke ventilation systems, and provide emergency egress from the roof, as required by the Massachusetts Fire Code.
- B. Safety. A roof-mounted solar energy system shall be located so that it does not result in shedding of ice or snow from the roof onto a porch, balcony, stairwell, or pedestrian travel area.
- C. Solar Energy Systems shall not be counted in determining the height and gross floor area of buildings.

² This sentence has been added since publication of the February 17, 2022 Zoning Amendments guide.

³ This Section has been updated since publication of the February 17, 2022 Zoning Amendments guide.

Zoning Bylaw Amendment: Solar Energy Systems

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

6.4.4. Neighboring Properties

The placement of a solar energy system on a building, as required by Section 6.4.1 of this Bylaw, cannot preclude a neighboring property owner from constructing, renovating, or expanding a building to the full extent allowed by zoning, even if the neighboring property owner's building would partially or fully shade the installed solar energy system, subject to any requirements that are set forth in a Special Permit per Section 3.3 of this Bylaw and through Environmental Design Review per Section 3.4 of this Bylaw. Nor can the placement of a solar energy system on a building, as required by Section 6.4.1 of this Bylaw, require that a neighboring property owner prune an existing shade tree or abstain from planting a shade tree so as to prevent future shading of the installed solar energy system.

Zoning Bylaw Amendment: Administrative Amendments

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE 31

ZONING BYLAW AMENDMENT/ ADMINISTRATIVE AMENDMENTS

To see if the Town will vote to amend the Zoning Bylaw to make the following administrative corrections:

1. Amend Section 3.4.3. (D) Arlington Redevelopment Board procedures to update simple majority voting quantum pursuant to M.G.L. c.40A sec 9.
2. Amend Section 6.1.5. C (6) to add "if otherwise not required" or similar to the end of the clause;
3. Strike Section 8.1.4. (E) to eliminate duplication between Section 8.1.4(E) and Section 8.1.5;
4. Add "Group Home" to the "Definitions Associated with Dwelling" in Section 2 DEFINITIONS;
5. Add "Accessory Dwelling Unit" to the "Definitions Associated with Dwelling" in Section 2 DEFINITIONS; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

Discussion:

tktktktktk

ARB Vote and Recommendation to Town Meeting: The Redevelopment Board voted to recommend Action/No Action on Article . That the Zoning Bylaw be and hereby is amended as follows:

Amend Section 3.4.3(D):

- A. A favorable decision by the Board shall require the votes of at least four members, with the exception of special permits in compliance with M.G.L. c.40A § 9 requiring a simple majority vote.

Amend Section 6.1.5(C)(6):

- C. Transportation Demand Management (TDM): Any request for parking reduction must include a plan to reduce demand for parking. TDM provides incentives to reduce the use of Single Occupant Vehicles and encourages the use of public transit, bicycling, walking, and ridesharing. All projects requesting a parking reduction must employ at least three TDM methods described below:
- (1) Charge for parking on-site;
 - (2) Pay a stipend to workers or residents without cars;
 - (3) Provide preferential parking for carpooling vehicles;
 - (4) Provide a guaranteed emergency ride home;
 - (5) Provide transit pass subsidies;
 - (6) Provide covered bicycle parking and storage, if otherwise not required;
 - (7) Provide bicycle or car sharing on site;
 - (8) Provide showers for business or industrial uses;
 - (9) Other means acceptable to the applicable Special Permit Granting Authority.

Zoning Bylaw Amendment: Administrative Amendments

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

Amend Section 8.1.4(E):

- B. ~~Except as covered under Section 8.1.7, any structure determined to be unsafe may be restored to a safe condition, provided the work on any nonconforming structure shall be completed within one year of the determination that the structure is unsafe and the restoration work shall not place the structure in greater nonconformity. A structure may be exempted from this provision by a special permit from the Board of Appeals or, in cases subject to Environmental Design Review in Section 3.4, the Arlington Redevelopment Board.~~

Amend Section 2 by moving definitions into “Definitions Associated with Dwelling” and striking from current location:

Definitions Associated with Dwelling

Accessory Dwelling Unit: A self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a principal dwelling.

Apartment Building: A multi-family building designed or intended or used as the home or residence of four or more households, each in a separate dwelling unit, living independently of each other and who may have a common right in halls and stairways.

Dormitory: A dwelling, under the ownership or control of an educational, charitable or philanthropic organization which provides separate rooms or suites for the semi-permanent occupancy of individuals or groups of up to four individuals per room, with common bath and toilet facilities and without individual cooking facilities.

Dwelling: A privately or publicly owned permanent structure, whether owned by one or more persons or in condominium, or any other legal form which is occupied in whole or part as the home residence or sleeping place of one or more persons. The terms “efficiency,” “single-family,” “two-family,” “duplex”, “three-family” or “multi-family” dwelling, or single-room occupancy building, shall not include hotel/motel, bed and breakfast, hospital, membership club, mixed-use, or mobile home.

Dwelling Unit: A separated portion of a building containing living, sleeping, housekeeping accommodations, and sanitary facilities for occupancy by one household.

Duplex Dwelling: A building containing two dwelling units joined side by side or front to back, sharing a common wall for all or substantially all of its height and depth; that is, in which no part of one dwelling unit is over any part of the other dwelling unit. A duplex shall be considered as one principal building occupying one lot for the purposes of determining yard requirements.

Group Home: A dwelling, owned or leased by a state agency or a non-profit organization on behalf of a state agency, operated as a supervised residence for adults with severe disabilities, which may include educational, social, health care, and other supportive services.

Zoning Bylaw Amendment: Administrative Amendments

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

Multi-family Dwelling: A building containing 4 or more dwelling units.

Single-Family Dwelling: A building containing only one dwelling unit.

Single-Room Occupancy Building: A building with four or more rooms for occupancy by individuals not living as a single housekeeping unit, with shared cooking and living facilities and which may have individual or shared sanitation facilities. The term “single-room occupancy building” shall not include apartment buildings, hotels, nursing homes, dormitories, or assisted living residences

Three-Family Dwelling: A building containing three dwelling units.

Townhouse Structure: A row of at least three single-family attached dwelling units whose sidewalls are separated from other dwelling units by a fire separation wall or walls, and where each unit has its own at-grade access.

Two-Family Dwelling: A building containing two dwelling units, in which part of one dwelling unit is over part of the other dwelling unit.

Zoning Bylaw Amendments: Zoning Board of Appeals Rules and Regulations
Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE 32

**ZONING BYLAW AMENDMENT /
ZONING BOARD OF APPEALS RULES AND REGULATIONS**

To see if the Town will vote to amend the Zoning Bylaw to update Section 3.2.3 Rules and Regulations to allow the Zoning Board of Appeals to amend its own rules and regulations; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

Discussion:

tktktktktk

ARB Vote and Recommendation to Town Meeting: The Redevelopment Board voted () to recommend **Action/No Action** on Article . **That the Zoning Bylaw be and hereby is amended as follows:**

Amend Section 3.2.3:

3.2.3 Rules and Regulations

The Board of Appeals shall adopt rules and regulations for the administration of its powers and shall file a copy of such regulations with the Town Clerk. The Board's regulations shall include rules for hiring outside consultants.

- A. The Chair of the Board of Appeals, or in their absence the Acting Chair, may administer oaths, but must do so for hearings involving G.L. c. 40B, summon witnesses and call for the production of papers. All hearings shall be open to the public. The Board of Appeals and all permit and special permit granting authorities shall hold hearings and render decisions in accordance with the applicable time limitations as set forth in G.L. c. 40A §§ 9 and 15. The Board of Appeals shall cause to be made a detailed record of its proceedings which in the case of G.L. c. 40B hearings shall require that all testimony be electronically recorded, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and setting forth clearly the reasons for its decisions, and of its other official actions, copies of all of which shall be filed within 14 days in the office of the Town Clerk and the office of the Arlington Redevelopment Board and shall be a public record, and notice of decisions shall be mailed immediately to the petitioner and to the owners of all property deemed by the Board of Appeals to be affected thereby, including the abutters and the owners of land next adjoining the land of the abutters, notwithstanding that the abutting land or the next adjoining land is located in another city or town, as they appear on the most recent local tax list, and to every person present at the hearing who requests that notice be sent to them and states the address to which such notice is to be sent. Upon the granting of a limited or conditional zoning variance or special permit, the Board of Appeals shall issue to the land owner a notice, certified by the chair or clerk, containing the name and address of the land owner, identifying the land affected, and stating that a limited or conditional variance or special permit has been granted which is set forth in the decision of the Board on file in the office of the Town Clerk. No such variance or permit shall take effect until such notice is recorded in the Middlesex County Registry of Deeds.

Zoning Bylaw Amendments: Zoning Board of Appeals Rules and Regulations

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

~~The fee for recording such notice shall be paid by the owner and the notice shall be indexed in the grantor index under the name of the owner of record.~~

~~The concurring vote of all members of the Board shall be necessary to reverse any order or decision of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Bylaw, or to effect any variance in the application of this Bylaw.~~

Zoning Bylaw Amendments: Half Story

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE 33

ZONING BYLAW AMENDMENT / HALF STORY

To see if the Town will vote to amend the Zoning Bylaw to update Section 2 DEFINITIONS and add a new subsection under Section 5.3 to clarify how the area of a half story is to be calculated; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

Discussion:

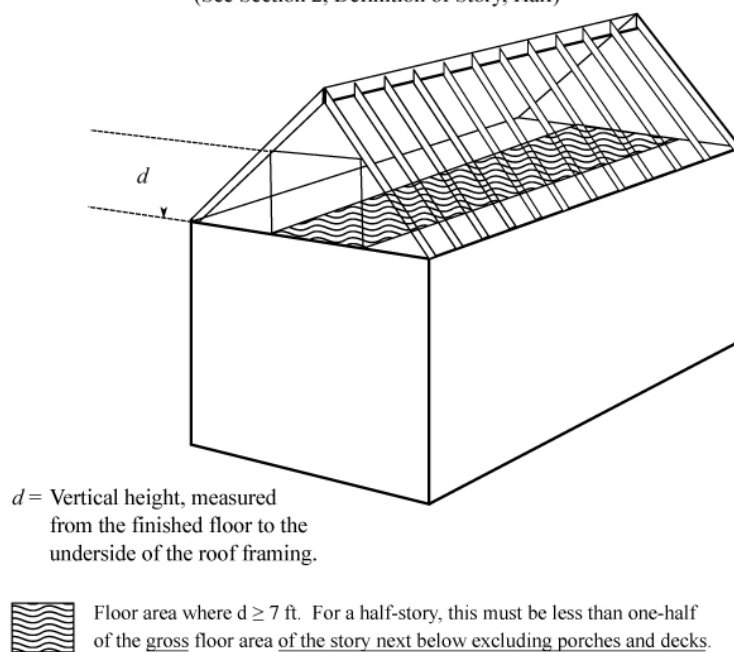
tktktktktk

ARB Vote and Recommendation to Town Meeting: The Redevelopment Board voted () to recommend **Action/No Action** on Article . **That the Zoning Bylaw be and hereby is amended as follows:**

Amend Section 2:

Story, Half: A story which is under a gable, hipped, gambrel, or other sloped roof with a minimum slope of 2:12, where less than one half the floor area ~~measured from the underside of the roof framing to the finished floor below~~ has a clear height of 7 feet 0 inches or more. The clear height is determined from the underside of the roof structural framing to the top of the finished floor below. The floor area is measured relative to the gross floor area of the story next below excluding porches and decks.

Illustration of Story, Half
(See Section 2, Definition of Story, Half)



This diagram is included for illustrative purposes only. It is not part of the Arlington Zoning Bylaw.

Zoning Bylaw Amendments: Porch

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

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)

Discussion:

tktktktktk

ARB Vote and Recommendation to Town Meeting: The Redevelopment Board voted () to recommend Action/No Action on Article . That the Zoning Bylaw be and hereby is amended as follows:

Amend Section 2:

Porch: A covered area, unenclosed and open to the elements, 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. ~~Enclosed entrances and~~ enclosed entrances larger than that allowed above may extend into the minimum yard regulations otherwise provided for the district by special permit.

Zoning Bylaw Amendments: Yard Encroachment

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

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)

Discussion:

tktktktktk

ARB Vote and Recommendation to Town Meeting: The Redevelopment Board voted () to recommend Action/No Action on Article . That the Zoning Bylaw be and hereby is amended as follows:

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. 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.

Zoning Bylaw Amendments: Large Additions

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

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)

Discussion:

tktktktktk

ARB Vote and Recommendation to Town Meeting: The Redevelopment Board voted () to recommend Action/No Action on Article . That the Zoning Bylaw be and hereby is amended as follows:

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,

Zoning Bylaw Amendments: Large Additions

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

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.

Zoning Bylaw Amendments: Unsafe Structure

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE 37

ZONING BYLAW AMENDMENT / UNSAFE STRUCTURE

To see if the Town will vote to amend the Zoning Bylaw to update Section 8.1.5 Unsafe Structure to define who may make the determination that a structure is unsafe; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

Discussion:

tktktktktk

ARB Vote and Recommendation to Town Meeting: The Redevelopment Board voted () to recommend Action/No Action on Article . That the Zoning Bylaw be and hereby is amended as follows:

Amend Section 8.1.5:

8.1.5 Unsafe Structure

Except as covered under Section 8.1.7, any structure determined to be unsafe by the Director of Inspectional Services or their designee may be restored to a safe condition, provided such work on any nonconforming structure shall be completed within one year of the determination that the structure is unsafe, and it shall not place the structure in greater nonconformity. A structure may be exempted from this provision by a special permit granted by the Board of Appeals or, in cases subject to Environmental Design Review, Section 3.4., the Arlington Redevelopment Board.

Zoning Bylaw Amendments: Two Family Construction Allowed by Right in R0 and R1 Residential Zones
Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE 38

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

To see if the Town will vote to amend Section 5.4 of the Zoning Bylaw by amending definitions and expanding allowable residential uses in the R0 Large Lot Single-Family District and R1 Single-Family District with the goal of diversifying the housing stock; or take any action related thereto.

(Inserted at the request of Annie LaCourt and ten registered voters)

Discussion:

tktktktktk

ARB Vote and Recommendation to Town Meeting: The Redevelopment Board voted () to recommend **Action/No Action** on Article . **That the Zoning Bylaw be and hereby is amended as follows:**

Voted, that the Zoning Bylaw of the Town of Arlington be amended as follows:

By making the following changes to the definitions of the R0 and R1 districts in Section 5.4.1(A):

- (1) R0: Large Lot ~~Single-Family Residential~~ District. The Large Lot ~~Single-Family Residential~~ 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 Residential~~ District. The predominant uses in R1 are single-family, two-family, duplex 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.

By making the following changes to 5.4.2A. Table of Dimensional and Density Regulations, R District Building Height and Floor Area Ratio Regulations, so that the first line for R0, R1 would read as follows:

R District Building Height and Floor Area Ratio Regulations (see 5.4.2(B) for exceptions)

		Maximum Allowed		
District	Use	Maximum Height (ft.)	Maximum Height (stories)	Maximum Floor Area Ratio (FAR)
R0, R1				
	Single Family detached dwelling, <u>two family dwelling, duplex dwelling</u>	35	2 ½	----

By adding the letter "Y" to the "Use Regulations for Residential Districts" table in Section 5.4.3, in the

Zoning Bylaw Amendments: Two Family Construction Allowed by Right in R0 and R1 Residential Zones
Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

rows labeled "Two family dwelling, duplex" under the columns labeled "R0" and "R1"; so that the first two columns of said rows read as follows:

5.4.3 Use Regulations for Residential Districts

Class of Use	R0	R1	R2	R3	R4	R5	R6	R7
Residential								
Single-family detached dwelling	Y	Y	Y	Y	Y	Y	Y	Y
Six or more single family dwellings on one or more contiguous lots	SP	SP	SP	SP	SP	SP	SP	SP
Two-family dwelling, duplex	<u>Y</u>	<u>Y</u>	Y	Y	Y	Y	Y	Y

Zoning Bylaw Amendments: Increased Floor Area Ratio for Mixed Use Structures
Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

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)

Discussion:

tktktktktk

ARB Vote and Recommendation to Town Meeting: The Redevelopment Board voted () to recommend **Action/No Action** on Article . **That the Zoning Bylaw be and hereby is amended as follows:**

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>3.00</u>
Mixed-use > 20,000 sq. ft.	1.00 <u>2.00</u>
B2A	
Mixed-use <= 20,000 sq. ft.	1.50 <u>3.00</u>
Mixed-use > 20,000 sq. ft.	1.00 <u>2.00</u>
B3	
Mixed-use <= 20,000 sq. ft.	1.50 <u>3.00</u>
Mixed-use > 20,000 sq. ft.	1.40 <u>2.80</u>
B4	
Mixed-use <= 20,000 sq. ft.	1.50 <u>3.00</u>
Mixed-use > 20,000 sq. ft.	1.00 <u>2.00</u>
B5	
Mixed-use <= 20,000 sq. ft.	1.80 <u>3.00</u>
Mixed-use > 20,000 sq. ft.	1.40 <u>2.80</u>

Zoning Bylaw Amendments: Expand Business Districts

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE 40

ZONING MAP AMENDMENT / EXPAND BUSINESS DISTRICTS

To see if the Town will vote to remap the parcels identified in the affixed table and represented by the proposed map affixed hereto from their current respective Residential zoning districts to the Business District 3 (B3); or take any action related thereto.

(Inserted at the request of James Fleming and 10 registered voters)

Discussion:

tktktktktk

ARB Vote and Recommendation to Town Meeting: The Redevelopment Board voted to recommend Action/No Action on Article . That the Zoning Bylaw be and hereby is amended as follows:

Properties to be rezoned from their current zoning district to Business District 3 (B3):

Identifiers				Current Zoning ⁴	Street Address
Parcel ID	Map	Block	Lot		
25-4-9	25	4	9	R5	155 Mass Ave
25.A-4-151.1	25.A	4	151.1	R2	151 Mass Ave, Unit 1
25.A-4-151.2	25.A	4	151.2	R2	151 Mass Ave, Unit 2
25-4-7	25	4	7	R2	147 Mass Ave
3-3-1	3	3	1	R2	150 Mass Ave



⁴ R5 is the Apartment District/Low Density District; R2 is the Two-Family District.

Zoning Bylaw Amendments: Apartment Parking Minimums

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE 41

ZONING BYLAW AMENDMENT / APARTMENT PARKING MINIMUMS

To see if the Town will vote to amend the Zoning Bylaw to reduce or remove minimum vehicular parking requirements for Apartment Building uses; or take any action related thereto.

(Inserted at the request of James Fleming and ten registered voters)

Discussion:

tktktktktk

ARB Vote and Recommendation to Town Meeting: The Redevelopment Board voted to recommend Action/No Action on Article . That the Zoning Bylaw be and hereby is amended as follows:

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

- By making the following changes to the rows labeled “Single-, two-, or three-family dwelling” and “Apartment building” in the table “Table of Off-Street Parking Regulations” in Section 6.1.4:

Use	Minimum Number of Spaces
Residential Uses	
Single-, two-, or three-family dwelling, <u>or Apartment building</u>	1 space per dwelling units
Apartment building Public housing for the elderly	1 space per efficiency dwelling unit; 1.15 space per 1 bedroom dwelling unit; 1.5 spaces per 2 bedroom dwelling unit; And 2 spaces per 3 or more bedroom dwelling unit; And 1 space per 5 units of public housing or the elderly.

Zoning Bylaw Amendments: Open Space Uses

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE 42

ZONING BYLAW AMENDMENT / OPEN SPACE USES

To see if the Town will vote to amend the Zoning Bylaw to expand the allowed uses in the Open Space district; or take any action related thereto.

(Inserted at the request of James Fleming and ten registered voters)

Discussion:

tktktktktk

ARB Vote and Recommendation to Town Meeting: The Redevelopment Board voted to recommend Action/No Action on Article . That the Zoning Bylaw be and hereby is amended as follows:

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

- By making the following changes to the table, “Use Regulations for MU, PUD, I, T, and OS Districts” in Section 5.6.3:

Class of Use	MU	PUD	I	T	OS
Accessory Uses					
Temporary food or beverage concession for <u>or not for profit at an event</u>		Y	Y		SP <u>Y</u>
Fundraising event conducted by an Arlington based non-profit organization, with no automated amusements	Y	Y	Y		SP <u>Y</u>
<u>Temporary outdoor recreation, for or not for profit</u>					<u>Y</u>
<u>Temporary cultural arts and/or entertainment activity for or not for profit</u>					<u>Y</u>

Zoning Bylaw Amendments: Zoning Map Amendment Requirements

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE 43 ZONING BYLAW AMENDMENT / ZONING MAP AMENDMENT REQUIREMENTS

To see if the Town will vote to amend Section 1.5 of the Zoning Bylaw to modify or remove the requirement to notify abutters of a zoning map amendment; or take any action related thereto.

(Inserted at the request of James Fleming and ten registered voters)

Discussion:

tktktktktk

ARB Vote and Recommendation to Town Meeting: The Redevelopment Board voted () to recommend **Action/No Action** on Article . **That the Zoning Bylaw be and hereby is amended as follows:**

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

- By making the following changes to Section 1.5 “Amendment”:

This Bylaw may from time to time be changed by amendment, addition, or repeal by the Town Meeting in the manner provided for in G.L. c.40A, section 5. When a petition for a change in the zoning map is filed, such petition shall show that copies of the petition have been sent by registered or certified mail to all owners and immediate abutters of the land referred to in the petition. The Department of Planning and Community Development shall provide advance notice of the Redevelopment Board public hearing on the petition by first class mail, postage prepaid, to the petitioner, the owners of the land, abutters of the land, owners of land directly opposite on any public or private street or way, and abutters to the abutters within three hundred feet of the property line of the owners as they appear on the most recent applicable tax list.

Zoning Bylaw Amendments: Restaurant Uses

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

ARTICLE 44

ZONING BYLAW AMENDMENT / RESTAURANT USES

To see if the Town will vote to amend the Zoning Bylaw to change the square footage threshold above which a restaurant use requires a special permit; or take any action related thereto.

(Inserted at the request of James Fleming and ten registered voters)

Discussion:

tktktktktk

ARB Vote and Recommendation to Town Meeting: The Redevelopment Board voted () to recommend **Action/No Action** on Article . **That the Zoning Bylaw be and hereby is amended as follows:**

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

- By making the following changes to the “Restaurant” class of use in the table “Use Regulations for Business Districts” in Section 5.5.3:

Class of Use	B1	B2	B2A	B3	B4	B5
Eating & Drinking Establishments						
Restaurant						
< 2,000 <u>4,000</u> sq. ft. gross floor area	SP	Y	Y	Y	Y	Y
=> 2,000 <u>4,000</u> sq. ft., and any restaurant that is principal use on lot of 10,000 sq. ft. or more		SP	SP	SP	SP	SP

Zoning Bylaw Amendments: Appeals

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

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)

Discussion:

tktktktktk

ARB Vote and Recommendation to Town Meeting: The Redevelopment Board voted () to recommend **Action/No Action** on Article . **That the Zoning Bylaw be and hereby is amended as follows:**

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

Zoning Bylaw Amendments: Appeals

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

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.



Town of Arlington, Massachusetts

Meeting Minutes (3/7/22, 3/14/22. and 3/21/22)

Summary:

9:00 p.m. Board members will review and may vote on 3/7/22, 3/14/22, and 3/21/22 meeting minutes

ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	Agenda_Item_2_-_03072022_Draft_ARB_Minutes.pdf	03072022 Draft Minutes Redevelopment Board
▢ Reference Material	Agenda_Item_2_-_03142022_Draft_ARB_Minutes.pdf	03142022 Draft Minutes Redevelopment Board
▢ Reference Material	Agenda_Item_2_-_03212022_Draft_ARB_Minutes.pdf	03212022 Draft Minutes Redevelopment Board

Arlington Redevelopment Board
March 7, 2022, 7:30 p.m.
Remote Open Meeting
Meeting Minutes

This meeting was recorded by ACMi.

PRESENT: Rachel Zsembery (Chair), Eugene Benson, Kin Lau, Melisa Tintocalis, Steve Revilak

STAFF: Jennifer Raitt, Director of Planning and Community Development and Kelly Lynema, Assistant Director

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

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

The Chair introduced the first agenda item, Public Hearings for the 2022 Town Meeting, and protocols thereof.

The Chair moved to the next agenda item, ARTICLE 38: ZONING BYLAW AMENDMENT/TWO-FAMILY CONSTRUCTION ALLOWED BY RIGHT IN R0 AND R1 RESIDENTIAL ZONES, to see if the Town will vote to amend Section 5.4 of the Zoning Bylaw by amending definitions and expanding allowable residential uses in the R0 Large Lot Single-Family District and R1 Single-Family District with the goal of diversifying the housing stock; or take any action related thereto.

Ms. Raitt stated the amendment is subject to Mass. General Law, Chapter 40A, Section 5, and may be enacted by a simple majority vote. She then invited comments from Mr. Revilak.

Mr. Revilak stated that while the article is similar to a previous one, this one has been put forward by Annie LaCourt.

Ms. Raitt invited questions/comments from the Board. Mr. Revilak called attention to struck-out text discrepancies; Ms. Raitt stated she will look into it. The Chair gave the floor to Ms. LaCourt, who gave her presentation.

The Chair invited questions/comments from the Board. Mr. Lau asked whether the amendment addresses parking; Ms. LaCourt stated it does not expand allowable space on a lot, and current setbacks and other regulations would stay the same. Mr. Benson asked if this would allow two-family homes in single family zones; Ms. Raitt stated this would be one strategy among many others to increase available affordable housing. Mr. Benson and Ms. LaCourt disagreed about size/number of units. The Chair clarified the procedure for possible revisions. Ms. Tintocalis asked Michael Ciampa, Director of Inspectional Services, if there was a possibility of exploiting the article to build bigger homes; he stated R1 and R2 lot sizes would be the same, but would contain two units instead of one; R0 might require a restriction because of lot size; and he didn't think it would be attractive to build. Mr. Revilak stated that the number of houses built under 40R is very small, and this would merit further discussion. The Chair asked if there is an education plan to clarify the proposal for Town Meeting members; Ms. LaCourt replied that would occur if the article is voted in.

The Chair opened the floor to public comments.

Steve Moore spoke against the proposal, stating it is a repeat of a failed proposal from two years earlier; it would do away with R1 and R0 zoning; and it would create parking problems.

John Gersh asked: (1) Would each unit be entitled to an accessory dwelling unit? (2) How would Arlington residents be notified of changes? (3) What is the evidence that these units would be more affordable than existing single-family homes? (4) What is the evidence that residents would not have as many cars? The Chair stated that the two units would each be

entitled to an ADU; Ms. Raitt stated notification would not be required; Ms. LaCourt stated this is not about affordable housing, but to encourage more duplexes and single-family homes to be built.

Mr. Benson asked if he is correct in thinking that while this would not change the rules on ADUs, other regulations in place would prevent ADUs. Ms. Raitt stated that is not correct.

Jordan Weinstein spoke in opposition to the article, stating it would create unaffordable housing and add environmental pressure.

Carl Wagner spoke in opposition to the article, stating it is a repeat of a previously defeated article; it would add housing without creating affordable housing. Mr. Wagner added that an ARB member had proposed the same defeated article two years earlier, and should recuse themselves. The Chair stated no ARB member need recuse themselves.

Wynelle Evans spoke in opposition to the article, stating it would benefit only wealthy buyers and remove affordable housing choices. James Fleming spoke in support of the article, stating at least it would generate taxes, and Arlington is beyond affordability anyway.

John Worden took issue with the Planning Department's web posting, which he stated described many two-family homes as illegal, whereas they were nonconforming. He spoke in opposition to the article, stating with the ADUs, it would allow four-family housing in single-family zones and ignores the Master Plan. The Chair clarified that the posting Mr. Worden objected to is the petitioner's, and not the Department of Planning and Community Development's.

Patricia Worden spoke in opposition to the article, stating it benefits developers at the expense of affordable housing and racial and economic diversity as well as the Master Plan.

Wendy Richter stated the article needs further review before being voted on.

Elizabeth Pyle spoke in opposition to the article, stating it would remove mid-price housing in favor of luxury units, would have a variety of negative unintended consequences, and requires further review.

Don Seltzer spoke in opposition to the article, stating that any single-family lot of 5,000 square feet or more, and worth \$850,000 or less, would be targeted for teardown and luxury duplex conversion, and the article would negatively affect diversity in Arlington.

Michelle Nathan asked if guidelines are not followed in Arlington, how will they be ensured?

Kristen Anderson asked how the zoning change would affect the amount of permeable soil allowing beneficial rainwater to recharge groundwater, and how many trees would be cut down. The Chair put the question on hold till the end of the meeting. Ms. Anderson spoke in opposition to the article, stating it would have negative environmental impact.

Anne Ehlert spoke in opposition to the article, stating it would increase density and property taxes.

Rebecca Peterson asked the Board to reject the elimination of single-family zoning in Arlington. She spoke in opposition to the article.

Matthew Owen spoke in support of the article, stating if the town does not enact it, there would be a decrease in starter homes and an increase in multimillion-dollar single-family homes.

Aram Hollman spoke in opposition to the article, stating it favors developers above any other goal, and is a racist policy that is supposedly intended to remedy racist zoning.

Judith Garber spoke in support of the article, stating her East Arlington neighborhood doesn't feel "dense," and she is in favor of more residents in the town.

Janice Weber spoke in opposition to the article, stating it would not improve the tax rate and would make Arlington more urban.

Eileen Cahill spoke in opposition to the article, citing concerns about sewer lines and other below-ground infrastructure.

Stewart Orson stated spoke in opposition to the article, stating it benefits developers, and there are too many unanswered questions.

Dolores McGee spoke in opposition to the article, stating the article should be discussed in person, and voiced her concerns about increased traffic and possible rodent problems.

Grant Cook stated Arlington's housing problems boil down to scarcity and subsidy, and the town is not doing enough to promote affordability.

Barbara Thornton spoke in support of the article, stating it would slow down the building of McMansions, would promote more two-family homes, and would address renovation of outdated infrastructure in older homes.

Sanjay Newton spoke in support of the article.

Susan Stamps spoke in opposition to the article, stating it would have adverse environmental impact.

Steven Blagden stated he had written to the Board about the article. He spoke in opposition to it, stating it would increase teardowns without preventing McMansions, destroying Arlington as we know it.

Alex Bagnall spoke in support of the article, stating it would invite more economic and racial diversity.

Teri Kirkland spoke in opposition to the article, citing its negative effects on housing size, infrastructure, and trees/green space.

Gary Goldsmith spoke in opposition to the article, stating it would not lead to reduced parking or reduced McMansionization. It would also increase population growth.

The Chair gave the floor to the Board and to Ms. LaCourt, the petitioner. The Chair listed the following topics for Ms. LaCourt's response: residential guidelines in relation to the requirements for the two-family units; increased teardowns versus reconfiguration of existing buildings; impact on parking, and traffic, stormwater runoff and soil permeability; property taxes; possible size limitations. Ms. LaCourt requested a written list of FAQs. The Chair agreed.

In response, Ms. LaCourt generally stated that a teardown replaced by the largest single-family home possible would have the same impact as a two-family home on the same lot; environmental impact would not be increased; there would be more people and more sewage, but DPW director Michael Rademacher, among others, stated there was no cause for concern, as the population would still be lower than in the past; and infrastructure problems are being addressed. Ms. LaCourt concluded by saying she would like more neighbors, and not see small ranches knocked down and turned into McMansions; but the bylaw would not prevent a homeowner from selling to the highest bidder.

The Chair opened the floor to the Board for questions to Ms. LaCourt and staff. Mr. Lau asked, to avoid hasty judgment, which other states this proposal has been enacted in and what the outcomes have been. Mr. Benson stated that state law does not allow the town to impose size limits on a single-family home, but it could impose them on duplexes and two-family homes. Ms. Tintocalis asked how residents could get better access to essential information and clarification on ADUs and two-family homes, differences and benefits. Mr. Revilak reiterated Mr. Lau's question, and asked the staff whether any ADUs have been permitted since the bylaw was passed. Ms. Raitt replied there have been no applications or permits. The Chair reiterated the importance of outreach.

The Chair moved to the next agenda item, ARTICLE 28: ZONING BYLAW AMENDMENT/ENHANCED BUSINESS DISTRICTS, to see if the Town will vote to amend the Zoning Bylaw to update Section 5 DISTRICT REGULATIONS to encourage pedestrian activity, maintain an active street, and limit the amount of ground floor retail space occupied by banks, offices, lobbies, and other non-active uses, when feasible; or take any action related thereto.

Ms. Raitt gave her presentation; the Chair opened the floor to the Board.

Mr. Benson requested the following changes: No blank facades be permitted facing a public way; amend the definition of "principal street" as it pertains to corner lots; and address limits on floor space occupied by banks and offices. Ms. Raitt agreed with Mr. Benson's point on bank/office floor space and suggested changing the wording to "non-active uses."

Mr. Lau objected to the use of "banks and offices."

Mr. Benson requested a definition of non-active uses; Ms. Raitt replied she would think about this; she also stated she would consider corner lots as a standalone issue.

Ms. Tintocalis asked how change-of-use would be handled; Ms. Raitt stated the bylaw amendment would not apply.

Mr. Revilak stated "non-active uses" are hard to define, but Cambridge's Central Square does regulate banks, which is an option the town might consider.

The Chair stated the term "lobbies" can be problematic, and this will be reviewed later. The Chair opened the floor to public comment.

Steve Moore asked to clarify the intent of "the entrance for the upper floor is to be optimally located." The Chair and Ms. Raitt replied the intent is to avoid dead space on storefronts. Mr. Moore suggested using more words than "optimized." Mr. Benson stated this would help the streetscape while allowing access to second and third floors above a storefront. Mr. Lau stated the street edge should be the primary program.

James Fleming asked why the "active use" focus is on banks and offices, which don't draw crowds, versus other businesses. Ms. Raitt stated retail stores are a different category, with storefronts that attract people. Discussion about "dead space" followed as it relates to operating hours.

The Chair opened the floor to public comment. Seeing none, she opened the floor to the Board.

Mr. Lau requested substituting other verbiage for "banks and offices." He stated he is not concerned with "primary" versus "secondary" streets.

Mr. Benson suggested standards for corner lots, and stated there should not be blank facades on public streets. He also suggested flipping around “non-active uses” and using positive language that describes generating commercial activity. Ms. Lynema agreed.

The Chair moved to the next agenda item, ARTICLE 29: ZONING BYLAW AMENDMENT/STREET TREES, to see if the Town will vote to amend the Zoning Bylaw to update Section 2 DEFINITIONS and Section 6 SITE DEVELOPMENT STANDARDS to require street tree plantings for every 25 feet of property facing a street, when feasible; or take any action related thereto.

Ms. Raitt gave her presentation.

Mr. Lau, Mr. Benson, Ms. Tintocalis, and Mr. Revilak voiced their support. Mr. Revilak asked about changing “public right of way” to “public way” to conform to Mass. General Law wording. He also mentioned mirroring tree policy in the industrial district for Section 6.3.

The Chair opened the floor to public comment.

Mr. Moore spoke in support of the article. He asked about a reference to “private trees.” He also stated there should be a maintenance watering plan.

Ms. Raitt clarified “private trees” to mean “trees on private property.”

Ms. Lynema stated that as regards watering, the town conforms to the American standards for nursery stock, but the Board can vote to be more specific.

Mr. Benson stated the standards should not be removed but can be added to.

Don Seltzer asked about clarifying that the property owner is responsible for tree maintenance, and should be penalized if fails to do so.

The Chair stated this is covered under environmental design review. Ms. Raitt stated penalties would be covered by Inspectional Services. She stated that who finally maintains the tree could be further discussed. Mr. Lau stated the owner is responsible for three years after planting.

Mr. Moore suggested that business owners’ contributions to the tree fund should be exercised with the approval of the Board or Planning Department. The Chair stated this caveat appears in section 6.3.5.

The Chair opened the floor to the Board. Seeing none, she moved to the next agenda item, ARTICLE 30: ZONING BYLAW AMENDMENT/SOLAR ENERGY SYSTEMS, to see if the Town will vote to amend the Zoning Bylaw to update Section 2 DEFINITIONS and Section 6 SITE DEVELOPMENT STANDARDS to allow for and require installation of solar energy systems for buildings subject to Environmental Design Review with certain exceptions; or take any action related thereto.

Ms. Raitt introduced the proponents, Talia Fox and Shelley Dean.

Ms. Fox presented Article 30. Ms. Dean stated she is a member of the Clean Energy Future Committee but is not speaking for them. She stated there was much support for the amendment.

The Chair opened the floor to the Board.

Mr. Lau spoke in support of the article, but requested a note adding that placement of solar panels cannot prevent a neighbor from building out. Mr. Benson spoke in support of the article, but disagreed with the wording in Mr. Lau's suggestion. Mr. Lau stated he was making the same point as Mr. Benson. Discussion followed among Ms. Fox, Mr. Lau, and Mr. Benson. Ms. Tintocalis agreed with Mr. Lau's suggestion. Mr. Revilak also agreed with Mr. Lau. Discussion followed.

The Chair opened the floor to public comment.

Steve Moore agreed with Mr. Lau, and wanted to ensure that solar panel installation by business owners will not require tree removal. The Chair stated this is addressed in the first exemption.

The Chair opened the floor to the Board.

Mr. Benson stated he did not think there is any incentive to remove trees.

Mr. Revilak recommended an administrative change in Section 6.4.

The Chair asked if there is a motion to continue to March 14. Mr. Benson so moved; Mr. Lau seconded. The Board voted unanimously in favor.

The Chair moved to the next agenda item, draft meeting schedule from May through December. Mr. Lau, Ms. Tintocalis, and Mr. Revilak favored a 7:30 start time, versus 7:00; Mr. Benson had no preference. Mr. Lau and Mr. Revilak approved of in-person meetings. The Chair requested a motion to approve the schedule; Mr. Lau so moved; Ms. Tintocalis seconded; the Board voted unanimously in favor.

The Chair moved to the next agenda item, Open Forum, and opened the floor to the public. Seeing no raised hands, the Chair closed the Open Forum and other items before adjourning.

The Chair requested a motion to adjourn. Mr. Lau so moved; Ms. Tintocalis seconded; the Board voted unanimously in favor.

Meeting adjourned.

Arlington Redevelopment Board
March 14, 2022, 7:30 p.m.
Remote Open Meeting
Meeting Minutes

This meeting was recorded by ACMi.

PRESENT: Rachel Zsembery (Chair), Eugene Benson, Kin Lau, Melisa Tintocalis, Steve Revilak

STAFF: Jennifer Raitt, Director of Planning and Community Development and Kelly Lynema, Assistant Director

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

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

The Chair introduced the first agenda item, continuation of Public Hearings for the 2022 Town Meeting, and protocols thereof.

ARTICLE 31: ZONING BYLAW AMENDMENT/ADMINISTRATIVE AMENDMENTS: To see if the Town will vote to amend the Zoning Bylaw to administrative corrections.

The Chair gave the floor to Kelly Lynema, who presented the corrections:

1. Amend Section 3.4.3. (D) Arlington Redevelopment Board procedures to update simple majority voting quantum pursuant to M.G.L. c.40A sec 9;
2. Amend Section 6.1.5. C (6) to add "if otherwise not required" or similar to the end of the clause;
3. Strike Section 8.1.4. (E) to eliminate duplication between Section 8.1.4(E) and Section 8.1.5;
4. Add "Group Home" to the "Definitions Associated with Dwelling" in Section 2 DEFINITIONS;
5. Add "Accessory Dwelling Unit" to the "Definitions Associated with Dwelling" in Section 2 DEFINITIONS; or take any action related thereto. (Inserted at the request of the Redevelopment Board)

The Chair opened the floor to the Board.

Mr. Benson spoke in support of the article, but stated many bicycle parking lines were misaligned in his copy, likely a formatting error; and suggested the definition of ADU be deleted from group home and moved to the dwelling section.

The Chair opened the floor to the public for questions/comments. Seeing none, she moved on to **ARTICLE 40: ZONING MAP AMENDMENT/EXPAND BUSINESS DISTRICTS:** To see if the Town will vote to rezone the parcels identified in the affixed table 1 of 83 and represented by the proposed map affixed hereto from their current respective Residential zoning districts to the Business District 3 (B3); or take any action related thereto. (Inserted at the request of James Fleming and ten registered voters). She gave the floor to Ms. Lynema.

Ms. Lynema stated that the petitioner is seeking to rezone five properties on four parcels. Essentially, the current uses on those properties would be allowed to remain, but would allow for additional uses to be put into place if those properties were sold or redeveloped later. She acknowledged that the Board has already stated that if they were to embark on such a strategy, there would be a broader engagement and outreach component of this.

The Chair gave the floor to James Fleming, the proponent.

Mr. Fleming gave his presentation.

The Chair opened the floor to the Board for questions/comments.

Mr. Lau spoke in support of the article. Mr. Benson agreed.

Ms. Tintocalis asked how this fits in with the goals of the Master Plan. Mr. Fleming stated it supports the Master Plan. He asked Ms. Lynema to elaborate. Ms. Lynema stated it is about enlivening the business districts, and encouraging greater commercial development and improving the corridors overall; there's not a lot in the Master Plan on this.

Mr. Revilak asked Mr. Fleming a "devil's advocate" question relating to a comment to the effect that Arlington should concentrate on filling its existing storefronts before it considers making room for any more. Mr. Fleming interpreted this as, why expand the commercial district if we have vacancies in other commercial districts? Mr. Revilak agreed. Mr. Fleming stated that there should be enough residents close to a business district to make it viable; East Arlington has the most people per unit of land area, so it's easier to have a business open there that serves the local residents.

Mr. Lau added in response to Mr. Revilak that some of the vacancies are caused by older spaces that don't adequately address tenants' needs.

The Chair spoke in support of the article, stating it would create potential for the future, but asking about property turnover. Mr. Fleming stated this is possible.

The Chair opened the floor to the public for questions/comments.

Steve Moore asked Mr. Fleming if he or any of the others who signed this have any financial interest in any of those properties. He also asked, rhetorically, why would an eight-storey apartment building as pictured in the presentation be an improvement over the existing two-storey buildings.

Mr. Fleming stated he had no financial interest whatsoever, and clarified that the reason one of the spaces had stayed empty was due to paperwork, and not to age or other deficiencies.

Adam Dusenberry spoke in opposition to the article, stating he is generally against wholesale zoning changes because the town and the committee members will have a lot less control over what could potentially be put in such spaces. He would prefer that developers come before the Board and the town, and get the community involved.

Elizabeth Dray asked whether there's concern that rezoning into mixed use will give more incentive to developers to tear down and rebuild.

The Chair clarified that the proponent is looking to connect the zoning fabric and create potential opportunity, although, it's hard to identify specifically what that pro forma would look like at.

Phil Goff spoke in support of the article, stating that despite the potential loss of relatively affordable housing, B3 is the right zoning for this block on Mass Ave, given that it is so close to Capitol Square.

Will Macmillan asked if this would mean that the houses could theoretically be sold and torn down; what is the zoning history, going back to the 1970s; and whether anyone will speak to the one current owner, who is opposed, to get their perspectives.

The Chair stated that historically, in the 70s, if there was a house, it went from a business to a residential district based on whatever was there. She requested that Ms. Lynema give a brief description of what is allowed within a B3. Ms. Lynema pointed to page 5 of the memo that the Planning Department provided to the Board.

Stacey Boucouvalas-Gianouracos stated a number of concerns about this turning into a business district; business development should be evaluated on a case-by-case basis. The Chair requested Ms. Cooper submit written points to the ARB.

Marcy Boucouvalas stated having a business on the corner of Marathon Street is a potential safety issue. She added that there would be increased density, leading to a potential degradation of property values. She asked Mr. Fleming if he lives in the affected area. Mr. Fleming stated not at the moment but likely by the end of the year.

Thomas Allor concurred with the previous speaker's safety concerns. He stated that none of the petitioners are residents of any of the addresses that are impacted, and no owners are supporting this proposal. He stated that the petitioners are not looking at the bigger picture from a holistic perspective: tree loss, safety, and parking.

Alex Bagnall spoke in support of the article, stating it would support more businesses in the area, and the business on the corner seems to have very little impact on traffic.

Don Seltzer asked why a B2 isn't being considered, and hopes the Board will give thought to the three options: leaving it the way it is; B2; or B3.

Stephanie Hansel spoke in opposition to the article, stating making wholesale changes without a real plan could backfire.

Sanjay Newton spoke in support of the article.

The Chair opened the floor to the Board for questions/comments.

Mr. Benson did not express an opinion and stated that the proposal would provide some extra options to what can happen to a property; applications can take a long time to process.

Mr. Lau agreed with Mr. Benson. He did not express an opinion at this time and stated the proposal is not a license to go crazy but is an encouragement to get things going a little further.

Ms. Tintocalis stated it's important to be mindful of how the proposal connects to the Master Plan, which will provide a context for the people of the town.

Mr. Revilak commented on the historical aspects of why Arlington's districts are the way they are, and favors the idea of taking targeted approaches and looking at areas where something different might make obvious sense.

The Chair moved to ARTICLE 43: ZONING BYLAW AMENDMENT/ZONING MAP AMENDMENT REQUIREMENTS: To see if the Town will vote to amend Section 1.5 of the Zoning Bylaw to modify or remove the requirement to notify abutters of a zoning map amendment; or take any action related thereto. (Inserted at the request of James Fleming and ten registered voters.)

Mr. Fleming requested a break; the Chair allowed two minutes.

Steve Moore asked if it is true that the charge of the Board is to encourage development. The Chair tabled this and gave the floor to Ms. Lynema.

Ms. Lynema stated per the memo that the amendment seeks to clarify abutter notification.

Mr. Fleming asked if there is there a reason to keep the notification provision in the bylaw, given that there is no proof that notification was given, and the town already notifies a larger radius around the property.

Mr. Lau stated he wasn't sure he was supportive of this at the moment but would like to hear more.

Mr. Benson spoke in support of Mr. Fleming's proposal to add the words "owners and immediate abutters" to clarify who would be notified.

Mr. Revilak agreed with Mr. Benson, stating that "immediate abutters" was implied by using the word "abutters" He had no objection to extending this to owners as well.

The Chair opened the floor to the public for questions/comments.

Steve Moore asked if Mr. Fleming is suggesting the addition of both owners and abutters, not the removal of the notification requirement. The Chair stated that is her understanding. James Fleming confirmed. Mr. Moore voiced his support after this clarification. The Chair agreed that the clarification is important, and the proposal goes above and beyond what is required by the state.

Christian Klein asked if "immediate to abutters" precludes people who are across the street and do not have a property line in common. Mr. Fleming stated this would not apply to properties across the street. Mr. Klein asked if a corner property would have the two abutting properties to the left and the right but would not have anyone else on the corner. Mr. Fleming stated that's the way it works now, and this wouldn't change. Ms. Lynema stated this is a question for the petitioners whether parcels across the street would be included as abutters. Mr. Klein stated he would prefer that abutters across the street would have the opportunity to receive notices as well. Mr. Benson suggested getting a legal definition. Ms. Lynema explained that if this were amended, only the immediate abutters would be notified

Don Seltzer requested a clarification on the definition of "abutter." Mr. Fleming replied that only owners and immediate abutters, who are notified currently, would continue to be notified. Mr. Fleming suggested changing "owners and immediate abutters" to "owners and abutters." Mr. Benson suggested Mr. Fleming consult with Town Counsel about rewording to include not only immediate abutters but also properties directly across the street.

The Chair opened the floor to the Board for additional questions/comments.

Mr. Lau stated he was confused as to the petitioner's intent, and wants to hear more after Mr. Fleming's meeting with Town Counsel.

Ms. Raitt stated it makes sense for Mr. Fleming to consult with the Town Counsel about what exactly would be an abutter and how to handle different types of lots.

Mr. Benson stated there may be a way to do this that lines it up with Section 11 of Chapter 40A, and a conversation with the Town Counsel might help

Mr. Revilak asked Mr. Fleming for further clarification. Mr. Fleming stated he wants to ensure that if there is a zoning change, whoever is the recipient of this change is notified, because it doesn't seem that this is at all required.

Mr. Revilak was satisfied with the explanation and agreed with Mr. Benson in that Chapter 40A refers to parties of interest, and some of the language in there could potentially be useful.

The Chair advised Mr. Fleming that the consensus is with Town Counsel, and the discussion will continue on April 4.

The Chair moved to the next item, ARTICLE 41: ZONING BYLAW AMENDMENT/APARTMENT PARKING MINIMUMS: To see if the Town will vote to amend the Zoning Bylaw to reduce or remove minimum vehicular parking requirements for Apartment Building uses; or take any action related thereto. (Inserted at the request of James Fleming and 10 registered voters). The Chair gave the floor to Ms. Lynema.

Ms. Lynema read from the memo and stated that this proposed amendment is aligned with reducing the parking ratios to actually meet demand, and stated that those parking ratios requiring a minimum of one space per dwelling unit is just a minimum, so any developer/owner/builder could provide more parking than that.

Mr. Fleming gave his presentation, and advocated for one parking space per dwelling unit; most renters don't have more than one car, and if the town requires more, that would be leaving money on the table, tax-wise.

The Chair gave the floor to Mr. Lau, who spoke in support of the article, stating one parking space per unit in apartment buildings is more than adequate.

Mr. Benson stated his concerns about distance from MBTA bus routes.

Ms. Tintocalis spoke in support of the article, but stated people need to be advised of limited parking.

Mr. Revilak spoke in support of the article, stating it makes a lot of sense to make parking requirements for apartments on par with the ones for single, two-, and three-families.

The Chair opened the floor to the public for questions/comments.

Steve Moore suggested limiting parking spaces requires more study than a simplistic approach.

Phil Goff spoke in support of the article, stating an overabundance of parking spaces makes housing more expensive, results in fewer apartment units, and reduces green space.

Jennifer Susse spoke in support of the article, stating it is worth applying incrementally and creating parity with single- and two-family houses.

Alex Bagnall spoke in support of the article, stating there is no good rationale for treating apartments differently from one- or two-family homes with regard to parking.

Eileen Cahill spoke in opposition to the article, stating the Board should take a step back and consider the repercussions. Thomas Allor agreed.

Scott Mullen spoke in support of the article.

Adam Dusenberry asked where the proponent got the data to support his article; Mr. Fleming replied that the source is the American Community Survey, which was able to break out the data into renting households and households that were owner occupied; he also referred to the staff memo and a couple of parking studies, which were done both by the developer team as well as the town's Development Review consultant.

The Chair opened the floor to the Board for questions/comments.

Mr. Revilak agreed that this is an incremental approach.

The Chair moved to the next agenda item, ARTICLE 42: ZONING BYLAW AMENDMENT/OPEN SPACE USES: To see if the Town will vote to amend the Zoning Bylaw to expand the allowed uses in the Open Space district; or take any action related thereto. (Inserted at the request of James Fleming and ten registered voters). The Chair gave the floor to Ms. Lynema, who gave an overview of the memo from the Department of Planning and Community Development.

The Chair gave the floor to James Fleming, who made his presentation.

The Chair opened the floor to the Board for questions/comments.

Mr. Lau stated he generally supported the article but had not further comment.

Mr. Benson stated it's strange that people have to go to the Zoning Board of Appeals to get a special permit to use a park, but if the special permit requirements are deleted, they're still going to have to get approval to do an event in one of the open spaces. Mr. Fleming replied that the Parks Department would not lose control of events.

Mr. Benson asked if there are there any open spaces in town that are not controlled by the Parks and Recreation Department or by some other part of town. Ms. Raitt replied that Whittemore Park is under the authority of the Select Board, and some spaces are under the jurisdiction of the Conservation Commission; and one would need permission from one of those jurisdictions in order to do the things that are outlined in the Zoning Bylaw, including the additions that Mr. Fleming is suggesting.

Ms. Tintocalis spoke in support of the article.

The Chair opened the floor to the public for questions/comments.

Steve Moore spoke in support of the article.

The Chair moved to the next agenda item, ARTICLE 44: ZONING BYLAW AMENDMENT/RESTAURANT USES: To see if the Town will vote to amend the Zoning Bylaw to change the square footage threshold above which a restaurant use requires a special permit; or take any action related thereto. (Inserted at the request of James Fleming and ten registered voters).

Ms. Lynema read from the memo; Mr. Fleming gave his presentation.

The Chair opened the floor to the Board for questions/comments.

Mr. Lau asked Mr. Fleming if he had surveyed the square footage of all the restaurants in town; Mr. Fleming replied no. Mr. Lau asked Ms. Raitt if she had the numbers; she replied she will have more information in the future.

Mr. Benson asked with the current rules in place, why does the town need this article now?

Mr. Fleming replied with the example of the Common Ground restaurant, which he stated had "capitulated" to the Board. Mr. Benson stated that the Board's requests, per Mr. Fleming's presentation, seemed reasonable; and that Mr. Fleming's intention is not to prohibit a restaurant between 2,000 and 4,000 square feet in the in the B4 zone. Mr. Fleming agreed that was not the intention.

Mr. Lau defended the Board's actions on Common Ground.

Ms. Tintocalis stated in general, this is a supportive action for the local businesses. Mr. Revilak spoke in support of the article as well.

The Chair opened the floor to the public for questions/comments. Seeing none, she opened the floor to the Board for questions/comments. Seeing none, she requested a motion to continue the public hearings to March 21. Mr. Lau so moved; Mr. Benson seconded. The Board voted unanimously in favor.

The Chair closed Agenda Item 1 and moved to Agenda Item 2: Special Town Meeting -- potential zoning warrant articles, discussion regarding possible amendments to sign bylaw, family childcare uses, and nonconforming single-family or two-family dwellings.

Ms. Raitt stated that the Special Town Meeting would seek to allow family childcare as an allowable use by right.

The Chair opened the floor to the Board for questions/comments.

Mr. Lau asked how many kids would be served. The Chair replied with three options: up to six, up to eight, and up to ten. Mr. Lau stated that a special permit for the latter two may be a requirement. Discussion followed regarding family day care versus home occupation.

Ms. Tintocalis asked if the town had received complaints about with these operations; Ms. Raitt replied that she had not ever heard of complaints of this particular use, but that does not mean that there have not been any.

The Chair asked if there are on-site reviews related to the neighborhood, the abutters, and the suitability of a location within the Department of Education Review process. Ms. Raitt stated it is her understanding that there is an on-site review, and she can come back to the Board with more details. The Chair asked how neighboring communities might address this, whether through a special permit process or is it purely through the licensing and a staff review.

The Chair moved to the Zoning Bylaw amendment for signs.

Ms. Raitt recommended adding an exemption for certain types of signs related to Blue Bikes and shared mobility stations.

The Chair opened the floor to the Board for questions/comments.

Mr. Benson asked if "shared mobility station" covers both electric charging and Blue Bikes or would a separate definition for shared mobility stations be required. Ms. Raitt replied they probably should add a definition. Discussion followed. Ms. Raitt asked if they would allow for staff review but would add a sign type. Mr. Benson replied that would be his suggestion. Mr. Revilak stated he could provide graphics. The Chair stated that a new sign type with staff review would be appropriate.

The Chair moved to the third item, nonconforming single-family or two-family dwellings.

Ms. Raitt stated her proposal was based upon the conversation with Town Counsel to strike the section as it is in conflict with a ruling, but Mr. Benson may be able to elaborate. Mr. Benson stated that Section 8.1.3C should be stricken because it conflicts with not only the ruling, but 40A, Section 6 of the zoning code, and replaced.

Mr. Revilak stated that a zoning amendment was passed at the last Annual Town Meeting that modified section 3.1, added a clause for requirements of a building permit, and was ruled unenforceable by the Attorney General. Discussion followed. The Chair suggested that a legal notice be placed the following Thursday, and she approved of moving forward as currently amended. The Board agreed to the timetable.

Mr. Benson requested to double-check if 6.2.3 is the right section there. Ms. Raitt replied it is one of the right sections; it's a restriction to have a sign on a public way. It's in that category of signs. Following a discussion on numbering the sections,

Mr. Benson asked if they were getting rid of allowing an exemption to create a new sign type. Ms. Raitt stated they would delete that.

The Chair gave the floor to Christian Klein.

Mr. Klein stated there's been a lot of discussion between the Zoning Board and Town Counsel in regards to vested rights, and the ZBA preferred the ARB take this up in time for Special Town Meeting.

The Chair stated it would be great once they get to the hearing to have an opinion officially from the ZBA.

The Chair opened the floor to the Board for questions/comments, but then requested a motion to approve the submission of the three warrant articles, as amended, for a spring Special Town Meeting.

Mr. Benson asked if they need to add a definition of family childcare to the Zoning Bylaw. Ms. Raitt stated that is a good idea.

Ms. Raitt requested a vote to add a meeting date. The Chair called for a motion to approve submission of the three articles for Special Town Meeting as amended with the addition of a hearing date of April 7. Mr. Benson asked if there would be a hearing on April 7, a vote on April 25, and approval to Special Town Meeting on May 2. Ms. Raitt confirmed. Ms. Tintocalis moved as The Chair suggested. Mr. Lau seconded. The Board voted unanimously in favor.

The Chair closed Agenda Item 2 and moved to Agenda Item 3, Town Bylaw warrant article discussion.

The Chair stated that the Select Board requested input on ARTICLE 9: BYLAW AMENDMENT ACHIEVING NET ZERO GREENHOUSE GAS EMISSIONS FROM TOWN FACILITIES CONSISTENT WITH THE TOWN OF ARLINGTON'S NET ZERO ACTION PLAN; ARTICLE 73: RESOLUTION/TRUE NET-ZERO OPT-IN CODE FOR CITIES AND TOWNS; and ARTICLE 17: BYLAW AMENDMENT/CONVERSION OF GAS STATION DISPENSING PUMPS TO SELF-SERVICE OPERATION. The Chair opened the floor to the Board for questions/comments.

Mr. Lau stated he could not find the articles. The Chair agreed they were not easy to find. Mr. Benson spoke in support of articles 9 and 73, but had not read Article 17. Mr. Lau asked per Article 9 if the town would buy energy from a producer that generates electricity with non-greenhouse emissions. The Chair stated her understanding is that they would prioritize solar on site and will design major renovations and new buildings to run on electric heat and water sources as opposed to natural gas or other sources of that type. Discussion with Mr. Lau followed. He asked if they had to vote on this today; The Chair replied they do, but she would forward any notes. Ms. Tintocalis stated in theory she supports this, but hadn't looked at the details and is Mr. Revilak stated he would likely support Article Nine; Article 73 sounds nice, but it's just a resolution asking whatever state department to adopt a net-zero opt-in code. For article 17, he doesn't have any real concerns about self-service gas stations. He stated those are initial opinions, and he would like to review the Select Board's packet and the Town Counsel's memo. and give that a look.

The Chair stated that at this point they might not be able to vote on anything specific, and suggested that they need to improve this process going forward.

The Chair closed Agenda Item 3 and moved to Item 4, Open Forum.

Rebecca Gruber stated that the Select Board at their last meeting did not vote on the previous meeting's warrant articles, so there's some opportunity for the Board to consider this further.

Thomas Allor asked, regarding the article of the expanded business district zoning, how the Board decides that they want to move that to Town Meeting. The Chair explained the process.

The Chair requested a motion to adjourn. Mr. Lau so moved; Mr. Benson seconded; the Board voted unanimously in favor.

Meeting adjourned.

Arlington Redevelopment Board
March 21, 2022, 7:30 p.m.
Remote Open Meeting
Meeting Minutes

This meeting was recorded by ACMi.

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

STAFF: Jennifer Raitt, Director of Planning and Community Development and Kelly Lynema, Assistant Director

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

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

The Chair introduced Agenda Item 1, continuation of Public Hearings for the 2022 Town Meeting, and protocols thereof. She then moved to 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 Chair gave the floor to Ms. Raitt, who stated the Zoning Bylaw already covers this.

Mark Migliazzo gave his presentation.

The Chair opened the floor to the Board for questions/comments.

Mr. Lau stated that the Inspectional Services Department (ISD) does the enforcement, not the Board, and the proposal is repetitive.

Mr. Benson stated that the number of days in 3.1.2B is blank. Mr. Migliazzo stated he would defer to the Board for an appropriate number. Mr. Benson asked if this would be somewhere between three months and a year; Mr. Migliazzo replied he would have proposed four to six months. Mr. Benson stated that some zoning issues would take longer to fix. He also stated his concern about how much the Building Inspector can accomplish. Mr. Migliazzo stated the language is meant to track Chapter 40A, Section 8. Mr. Benson stated he didn't track that the way Mr. Migliazzo did and referred to a point Mr. Lau made earlier regarding the Building Inspector. Discussion followed. Mr. Migliazzo stated the thrust of that proposal is simply to give a clear indication of when it is appropriate or not for someone to be burdening the Zoning Board of Appeals (ZBA) prior to the Building Inspector having an adequate period of time to address the matter. The Chair stated that there is a warrant article for the ZBA to be able to set their own rules and regulations, which would address this. Ms. Raitt stated that the memo does not indicate that this section of the bylaw was amended during zoning recodification.

Mr. Benson asked what are the challenges the Building Inspector currently has, and how does he or the department prioritize how they handle things, e.g., complaints. The Chair stated she will direct questions to Building Inspector Ciampa at the end of the questions from the Board.

Ms. Tintocalis asked Mr. Migliazzo to provide an example of a practical application, which he did. Ms. Tintocalis stated she would ask the Building Inspector how this would help get his job done.

The Chair asked Mr. Ciampa what would be the benefits or challenges of complying with a time period as proposed in this resolution; and how do he and his department prioritize responding to complaints? Mr. Ciampa replied that his department obviously prioritizes anything that involves safety or that can become more of a violation, such as working without a permit or open excavations. He cited an example of an existing nonconformity, the length of whose existence took a significant amount of time to determine. The Chair asked Mr. Ciampa to expand on the benefits or challenges of having to comply with the new time period as proposed. Mr. Ciampa replied that they have statutory requirements and putting a time period on something would only be effective during a time that his department could accommodate all situations within the time allowed, and that they can't account for a situation in which your staff is depleted by 40 percent for a nine-month period.

Mr. Lau asked whether the mark for a pre-existing condition is 10 years; Mr. Ciampa replied 10 years without a permit and six years with a permit.

Mr. Benson asked Mr. Migliazzo if this could be rewritten so that the date is not some number of days after the request, but just so the statute of limitations does not toll. Mr. Migliazzo replied that the statute of limitations does not get tolled just because it gets appealed to the zoning court. Mr. Benson asked why the statute of limitations wouldn't begin running after the ZBA issues its decision; Mr. Migliazzo replied that's not how the Massachusetts legislature wrote the statute. Mr. Benson suggested thinking about a way to rewrite this so that the pertinent issue is preventing the tolling of the statute of limitations. Mr. Migliazzo stated he would entertain suggestions.

The Chair opened the floor to the public for questions/comments.

John Worden stated that the article addresses a lack of action to get zoning violations corrected.

Chris Loreti pointed out that 3.1.2A states if the Building Inspector finds a violation, he will notify the person responsible, but it does not say anything about notifying the complainant, who should be notified as well. In that same section, it says that the Building Inspector has the discretion to set the period during which the violation has to be corrected; but Section B says if the violations are not corrected, the Building Inspector shall institute appropriate action, but it does not say when he must do that. Mr. Loreti stated a deadline is needed. He also requested that the ZBA reduce the cost of an appeal.

Josephine Babiarz stated it is inappropriate for the Board to require specific timeframes for enforcement by the Building Inspector without sufficient staff.

Steve Moore stated the town is looking for significant enforcement of zoning rules that it already has, and the new Building Inspector will act accordingly with appropriate staff.

The Chair opened the floor to the Board for questions/comments.

Ms. Tintocalis stated her interest in Mr. Migliazzo's personal story, as well as her concerns about staff levels and financial constraints. Mr. Migliazzo stated he would be happy to speak with Ms. Tintocalis.

The Chair moved on to 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.)

Ms. Raitt recommended further discussion.

Xavid Pretzer gave their presentation.

Mr. Benson asked why four they were asking for a 4.0 FAR, as opposed to another number. Mx. Pretzer replied a fixed number would simplify things, rather than having a bunch of different requirements; but it could also make sense to have five-story buildings allowed, and lower numbers for four and three stories. Mr. Benson stated that when this was previously discussed, not every member of the Board suggested going above three.

Mr. Lau asked if this is for as-of-right. Mx. Pretzer replied that their understanding is that mixed-use buildings and business districts already require a special permit and this wouldn't change that. Mr. Lau stated he would like to bring in the inclusionary clause for affordable housing.

The Chair asked Mr. Lau if he is suggesting a percentage above the existing inclusionary zoning to trigger the 4.0 FAR; Mr. Lau replied yes; Mx. Pretzer stated it is worth considering, but they do not have the data.

Mr. Revilak asked if Mx. Pretzer would consider a friendly amendment which, rather than going with a fixed FAR of 4.0, would double what's allowed in the mixed-use business districts by capping it at three. Mx. Pretzer stated they are open to modifying the numbers.

Mr. Benson asked why in each business district there is one FAR for buildings above a certain square footage and a lower one for larger buildings. Mr. Revilak stated the higher FAR was intended to be a little bit of a break to deal with the restrictions of having smaller parcels to work with. Ms. Raitt stated this also relates to building height.

With no further questions forthcoming from the Board, the Chair opened the floor to the public for questions/comments.

John Worden spoke in opposition to the article, stating the Board needs to go back to the mixed-use discussion of 2016.

Steve Moore stated that he does not support a piecemeal approval to rezoning and zoning changes.

Barbara Thornton spoke in support of the article and asked if there is a creative way to look at open space per block rather than per parcel.

Brian McBride expressed his concern about the scale and scope of some of the developments proposed to the town.

James Fleming spoke in support of the article but favors going to a FAR of 2.0 or 3.0 instead of 4.0.

Jennifer Susse spoke in support of the article.

Stephanie Hansel spoke in opposition to the article, stating it is too extreme.

Don Seltzer stated that fiddling around with key elements of the Zoning Bylaw is not something to be done lightly.

Catherine Peterson asked if the Board had considered polling Arlingtonians to see if people are fully aware of this proposal and what a proposal like this might do to the character of the town.

Elaine Maynard stated that a FAR increase to 4.0 is dramatic and unprecedented in towns like Arlington, and projects need to be evaluated on their own merits.

Kelly Doherty stated the proposal needs more study.

Matthew Owen spoke in support of the article, although the final numbers will need to be worked out.

Sarah Tuttle spoke in support of the article, stating it makes possible development that meets community goals and requirements.

Aram Hollman spoke in opposition to the article, stating it is one more attempt to raise zoning limits and density, and is motivated by a desire to increase the town's tax base by converting business space to more valuable housing.

Chris Loreti spoke in opposition to the article, stating that the existing zoning bylaw does not prevent mixed-use developments of more than two stories. He also challenged the assumption that the current zoning bylaw is inconsistent with the Master Plan.

With no further questions forthcoming from the public, the Chair asked Mx. Pretzer if there is a simple option for the Board to possibly double the FAR. Mx. Pretzer stated they are open to exploring this. Ms. Raitt stated the original question was what was the FAR in the industrial zones that we adopted at Town Meeting previously; the answer is 3.0, but she wanted to clarify height and amenity requirements.

The Chair asked Mx. Pretzer if they might consider a suite of elements that a developer should incorporate within their building, whether it is maximizing business use, increasing the percentage of affordable housing beyond inclusionary zoning, or streetscape enhancements or renewable energy sources, etc. Mx. Pretzer replied that they are open to this. The Chair opened the floor to the Board for questions/comments and stated that Board members could decide to keep the motion as submitted and vote on April 4; any changes need to be made need to be received prior to the 4th.

Mr. Lau stated he agreed with having more incremental steps or more incentives tied in with bonuses and agreed with Mr. Revilak that maybe 4.0 is not the appropriate number across the board.

Mr. Benson agreed with Mr. Revilak's suggestion that the current FAR be doubled; and he hopes Town Meeting will approve a zoning article to require solar on roofs and if people had the ability to build up or to a greater FAR, the trade-off should be more affordable housing.

Ms. Tintocalis stated she had reservations supporting the article entirely at this point.

Mr. Revilak expressed his concern that properties might be developed, but with loss of a significant amount of building just to accommodate modern parking requirements.

The Chair requested consensus from the Board to give Mx. Pretzer some direction.

Mr. Lau recommended lowering it to double.

Mr. Benson agreed that one choice is to double; another would be to add on something that increases the amount of affordable housing.

Mr. Revilak reiterated his earlier suggestion, double but no greater than 3.0.

The Chair moved to 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.)

The Chair gave the floor to Christian Klein, who wanted to provide a definition of “porch.” The Chair asked Mr. Klein if he had given any thought to separately defining porch, open porches, and enclosed porches. Mr. Klein suggested Mr. Ciampa be consulted about this.

The Chair opened the floor to the Board for questions/comments.

Mr. Benson suggested that Mr. Klein clarify the definition for the ZBA.

Ms. Tintocalis asked how many applications have been submitted; Mr. Klein replied that in 2021, probably between eight and a dozen. Ms. Lynema stated more likely two to four; last year was an outlier due to pandemic-related delays. Ms. Tintocalis stated if the language is cleaned up and it helps the ZBA, then that makes sense.

The Chair opened the floor to the public for questions/comments. Seeing none, she opened the floor to the Board for final questions. Seeing none, she moved to 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.)

Mr. Klein presented his amendment.

The Chair opened the floor to the Board for questions/comments. Seeing none, she opened the floor to the public for questions/comments.

Chris Loreti stated his support for the intent of the amendment but is troubled by the struck text that staff has made.

The Chair clarified that the changes were inserted at the request of the Redevelopment Board after discussion with Mr. Klein.

Christian Klein requested that the Chair ask the Building Inspector whether enclosing a deck would require a variance. The Chair asked Mr. Ciampa if he had any concerns about creating a new nonconformity through the proposed language. Mr. Ciampa replied that once they have an online system and better connectivity to decisions, it will be easier to avoid a situation where people create a workaround the Zoning Bylaw and requiring ISD to read every decision at every permit application.

The Chair opened the floor to the Board for final questions.

Mr. Benson asked whether the first sentence in D should say “except by variance.” Mr. Ciampa replied that if enclosed, it would be by variance.

Mr. Klein asked if it would be acceptable after a special permit to add “or variance as required,” or come up with a special permit or variance as appropriate. Mr. Benson stated that could be done.

The Chair stated that between now and April 4, Mr. Benson will follow up with Mr. Ciampa, Mr. Klein, and Ms. Raitt regarding potentially adding “by special permit or variants as appropriate.”

The Chair moved to 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.)

Mr. Klein presented the amendment.

The Chair opened the floor to the Board for questions/comments.

Mr. Lau asked whether it is correct that an addition of less than 750 square feet is not a large addition; but if it is greater than 50 percent of the gross floor area, it is a large addition. Mr. Klein clarified. Mr. Benson continued the discussion, and Mr. Klein clarified that as of today's Zoning Bylaw, any addition that occurs within the foundation wall is not considered towards a large addition; e.g., a second story would not be considered a large addition. Mr. Ciampa confirmed this.

Mr. Klein stated the final sentence is to put the current interpretation from Inspectional Services into the Zoning bylaw.

Mr. Benson asked whether this problem solves the entire bylaw, and why is this even in the Zoning Bylaw? He stated they would need to determine whether this is unnecessary work for the ZBA, and not needed as long as the additions don't violate any dimensional requirements. He recommended they go ahead for now but review next year. The Chair stated this is outside the scope of what they are reviewing.

Mr. Revilak stated this might create a significant increase in the workload for the ZBA, and asked Mr. Klein whether he is okay with the changes suggested by staff in that last sentence. Mr. Klein stated yes if the intent is clear.

Ms. Raitt pointed out that this is a special permit process.

The Chair opened the floor to the public for questions/comments.

Don Seltzer requested clarification of the definition of alteration versus addition. Mr. Klein stated that an alteration is a reconfiguration of existing space, and an addition is an increase in the amount of space.

Chris Loreti stated that porches and the like should be considered to be outside of the original building footprint.

The Chair opened the floor to the Board for final questions. There were none.

The Chair requested a motion to continue to Monday, March 28. Mr. Lau so moved; Mr. Benson seconded; the Board voted unanimously in favor.

The Chair moved to Agenda Item 2, continued discussion of Special Town Meeting Zoning Warrant Articles.

Ms. Lynema stated the legal notice to the *Advocate* will be going live on Thursday. Ms. Raitt stated that the proposed date for Special Town Meeting will be May 11. Various time and place details of the meeting were discussed.

With no Open Forum participants, the Chair requested a motion to adjourn. Mr. Lau so moved; Ms. Tintocalis seconded; the Board voted unanimously in favor.

Meeting adjourned.



Town of Arlington, Massachusetts

Correspondence received during Public Hearings:

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 3-20-2022
A. Hollett 3-20-2022
B. Borgia 3-21-2022
K. Doherty 3-21-2022

L. Curtis Hayes 3-21-2022
E. Maynard 3-21-2022
C. Noah 3-21-2022
C. Pedersen 3-21-2022
L. Wiener 3-21-2022
G. Sinnott 3-25-2022
M. Polking 3-27-2022

ATTACHMENTS:

Type	File Name	Description
Reference Material	Article_F_-_Rizkallah_Support_Letter_-_150_Mass_Ave_Rezoning.pdf	Correspondence from M. Rizkallah received 02252022
Reference Material	Article_F_-_Maida_Pharmacy_Letter_re_Rezoning.pdf	Correspondence from L. Maida received 03022022
Reference Material	Correspondence_from_N._Mann_received_3-5-2022.pdf	Correspondence from N. Mann received 03052022
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 03062022
Reference Material	Correspondence_from_S._Blagden_received_3-7-2022.pdf	Correspondence from S. Blagden received 3-7-2022
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
Reference Material	Correspondence_from_J._Weber_received_3-8-2022.pdf	Correspondence from J. Weber received 03082022
Reference Material	Correspondence_from_T._Allor_received_3-11-2022.pdf	Correspondence from T. Allor received 03112022
Reference Material	Correspondence_from_E._Fischer_3-11-2022.pdf	Correspondence from E. Fischer received 03112022
Reference Material	Correspondence_from_R._Lemp_received_3-12-2022.pdf	Correspondence from R. Lemp received 03122022
Reference Material	Correspondence_from_X._Pretzer_received_3-12-2022.pdf	Correspondence from X. Pretzer received 03122022
Reference Material	Correspondence_from_S._Berczuk_received_3-13-2022.pdf	Correspondence from S. Berczuk received 03132022
Reference	Correspondence_from_L._Curtis_received_3-13-2022.pdf	Correspondence from L. Curtis

	Material		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 03142022
▢	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
▢	Reference Material	Correspondence_from_R._Jacob_received_3-14-2022.pdf	Correspondence from R. Jacob received 03142022
▢	Reference Material	Correspondence_from_B._Lowe_received_3-14-2022.pdf	Correspondence from B. Lowe received 3-14-2022
▢	Reference Material	Correspondence_from_S._Smith_received_3-14-2022.pdf	Correspondence from S. Smith received 03142022
▢	Reference Material	Correspondence_from_S._Smith_received_3-14-2022_#2.pdf	Correspondence from S. Smith received 3-14-2022 #2
▢	Reference Material	Correspondence_from_A._Bala_received_3-15-2022.pdf	Correspondence from A. Bala received 3-15-2022
▢	Reference Material	Correspondence_from_B._Eastwood_received_3-16-2022.pdf	Correspondence from B. Eastwood received 3-16-2022
▢	Reference Material	Correspondence_from_J._Fleming_received_3-16-2022.pdf	Correspondence from J. Fleming received 3-16-2022
▢	Reference Material	Correspondence_from_M._Fudala_received_3-16-2022.pdf	Correspondence from M. Fudala received 3-16-2022
▢	Reference Material	Correspondence_from.S.Hansel_received_3-16-2022.pdf	Correspondence from S. Hansel received 3-16-2022
▢	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
▢	Reference Material	Correspondence_from_P._Parise_received_3-18-2022.pdf	Correspondence from P. Parise received 03182022
▢	Reference Material	Correspondence_from_T._Allor_received_3-19-2022.pdf	Correspondence from T. Allor received 03192022
▢	Reference Material	Correspondence_from_D._Bradley_received_3-19-2022.pdf	Correspondence from D. Bradley received 03192022
▢	Reference Material	Correspondence_from_D._Seltzer_received_3-19-2022.pdf	Correspondence from D. Seltzer received 03192022
▢	Reference Material	Correspondence_from_S._Blagden_received_3-20-2022.pdf	Correspondence from S. Blagden received 03202022
▢	Reference Material	Correspondence_from_A._Hollett_received_3-20-22.pdf	Correspondence from A. Hollett received 03202022
▢	Reference Material	Correspondence_from_B._Borgia_received_3-21-2022.pdf	Correspondence from B. Borgia received 03212022
▢	Reference Material	Correspondence_from_K._Doherty_received_03212022.pdf	Correspondence from K. Doherty received 03212022
▢	Reference Material	Correspondence_from_L._Curtis_received_3-21-2022.pdf	Correspondence from L. Curtis Hayes received 03212022
▢	Reference Material	Correspondence_from_E._Maynard_received_3-21-2022.pdf	Correspondence from E. Maynard received 03212022

▢	Reference Material	Correspondence_from_C._Noah_received_3-21-2022.pdf	Correspondence from C. Noah received 03212022
▢	Reference Material	Correspondnece_from_C._Pederson_received_3-21- 2022.pdf	Correspondence from C. Pedersen received 03212022
▢	Reference Material	Correspondence_from_L._Wiener_received_3-21-2022.pdf	Correspondence from L. Weiner received 03212022
▢	Reference Material	Correspondence_from_G._Sinnott_received_3-25-2022.pdf	Correspondence from G. Sinnott received 03252022
▢	Reference Material	Correspondence_from_M._Polking_received_3-27-2022.pdf	Correspondence from M. Polking received 03272022

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

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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

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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, srevilak@town.arlington.ma.us, mtintocalis@town.arlington.ma.us, rzsembery@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

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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: rzsembly@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.

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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>, <rzsemlery@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: aholdman@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:

87 of 224

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

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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, rzseberry@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

97 of 224

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?

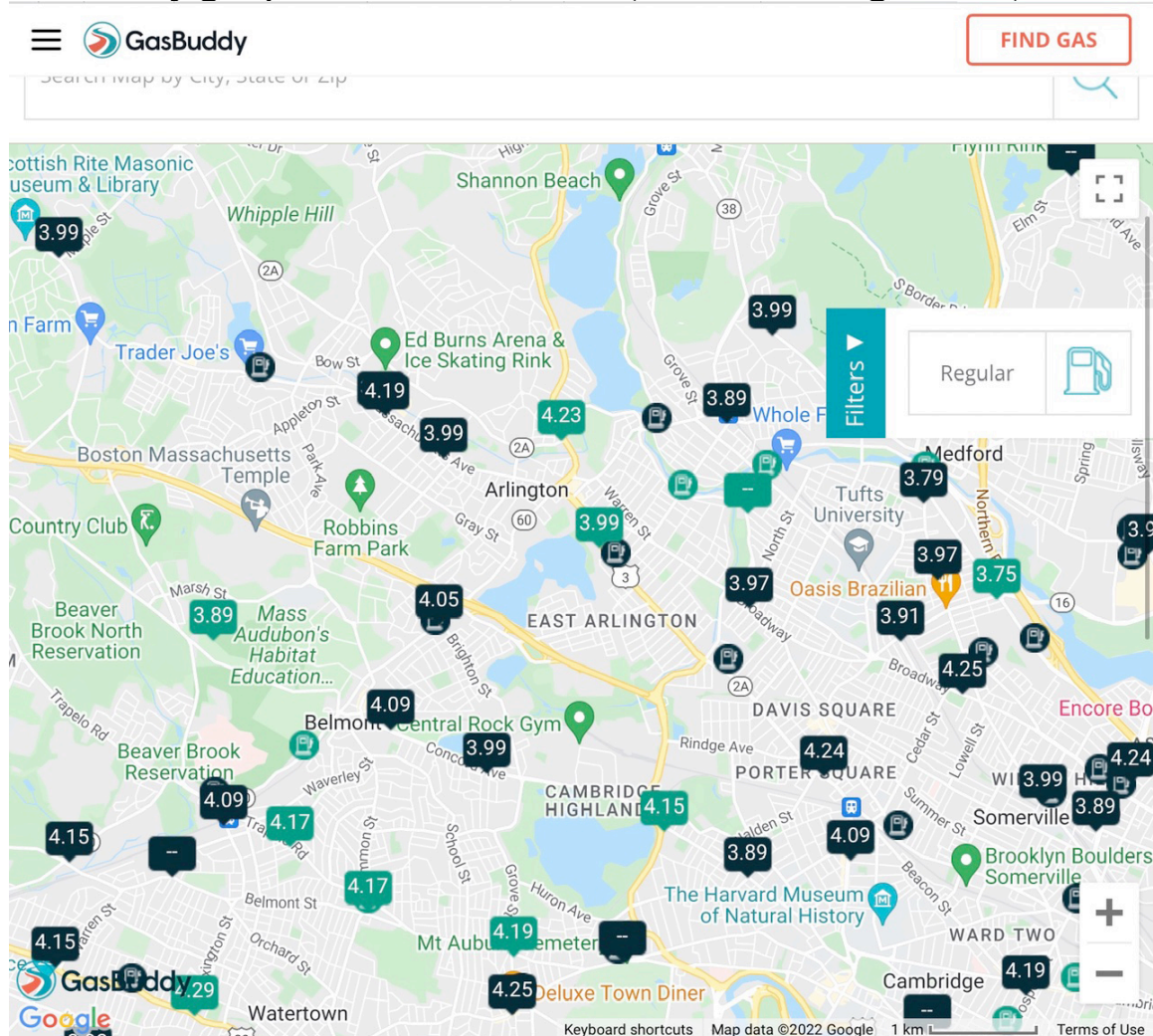
The most obvious negative is weather and convenience. How many days are just the right temperature and humidity where you wouldn't mind getting out of the car to pump your gas? Certainly not between November and April, with cold, or biting cold, temperatures, wind driven snow, or cold rain, stinging 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 Balasubramanian 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.

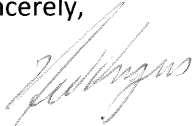
There are a few other factors that I hope the ARB looks at when considering this zone change. Many of the commercial buildings on corners along Mass. Ave. only address Mass. Ave. and completely ignore the side streets. As these lots are fairly deep and extend into the residential neighborhoods quite 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 <jraitt@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 Rait,

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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 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

From: Elaine Maynard <emaynard_2000@yahoo.com>

Date: March 21, 2022 at 5:43:30 PM EDT

To: Jenny Raitt <JRaitt@town.arlington.ma.us>, klau@town.arlington.ma.us, ebenson@town.arlington.ma.us, srevilak@town.arlington.ma.us, mtintocalis@town.arlington.ma.us, rzsembery@town.arlington.ma.us, ebenson@town.arlington.ma.us

Cc: Judith Halperin <pbandjphoto@mac.com>, Kellie Doherty <kmd19@verizon.net>

Subject: Article 39

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Dear Ms. Raitt and ARB members:

I live at 13 Chandler Street in East Arlington.

I recently learned of Article 39 with concern and dismay. **I ask that you vote no on the proposal to dramatically increase the floor area ratio for mixed-use structures in Arlington business districts from 1.5 to 4.0.**

It is my understanding that acceptance of Article 39 would leave Arlington with the highest FAR in the area (Cambridge only has a FAR of 1.75). What is the justification for Arlington having a significantly higher FAR than Cambridge, Brookline, Newton, Watertown, and Waltham?

Are most town residents even aware of this potential change? I only learned of these proposed dramatic changes a few weeks ago via word of mouth.

I am deeply concerned about the scale of the proposed FAR increase that is being discussed and an overall lack of evaluation related to the proposal. Before even being considered, there are numerous areas that require detail analysis and discussion including:

- Traffic impact studies
- Review of road/parking capacity to ensure safety near major intersections, schools, playgrounds and adjacent homes
- Noise pollution studies
- Shadowing (to homes adjacent) and nighttime lighting spillover to adjacent homes/ areas
- Adequacy of traffic and loading/unloading zones (particularly for frequent turnover developments like rentals)
- Adequate emergency infrastructure, access, staging and evacuation areas proximate for 5 story residential building without closing MA Ave, key intersections or significantly affecting neighboring residences.

140 of 224

- % business loss (sq foot/tax revenue)
- % affordable housing gain
- 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.

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. **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.**

Kind regards,
Elaine Maynard

From: Christine Noah <christinenoah@gmail.com>
Date: March 21, 2022 at 7:20:30 PM EDT
To: Jenny Raitt <JRaitt@town.arlington.ma.us>
Subject: ARB: Support for Article 39

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Hey Jenny,

I can't attend tonight's ARB meeting, but I wanted to send along my support for Article 39, presented by Xavid Pretzer. I believe increasing the FAR limit for mixed-use buildings in business districts would allow for more vibrant and accessible options for both housing and commercial space. I currently live in the Capitol Theatre building at 210 Mass Ave, and my building could not have been built under the current FAR limit. I love where I live because of the overlap of residents and businesses and the sense of community it creates. I think making space for more buildings like mine would enliven our business districts and allow for healthy growth and diversification. Town Meeting has already voted for some 4- and 5-story mixed-use buildings along Mass Ave that would be made possible by this FAR change, so this step would really just move us in the direction we're already heading.

Thank you for your time!

Best,
Christine

Christine Noah (she/her/hers)
(502) 298-6397 | christinenoah@gmail.com
Co-Artistic Director | [Fort Point Theater Channel](#)

FORT POINT THEATRE CHANNEL
AN ARTS COLLECTIVE CENTERED ON PERFORMANCE

This email was sent from the traditional territory of the Massachusett people, a place which has long served as a site of meeting and exchange among nations.

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

From: Gillian Sinnott <gmsinnott@gmail.com>
Date: March 25, 2022 at 10:06:51 AM EDT
To: JRaitt@town.arlington.ma.us
Subject: support for warrant article 39

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Dear Ms. Raitt,

I am an Arlington resident, and I am writing to you in support of warrant article 39, proposed by Xavid Pretzer, to increase FAR limits for mixed-use buildings. I know that the current FAR limits (among other rules) make it difficult to use the mixed-use zoning rules to their full potential. I would love to see more vibrant commercial areas in Arlington, which would allow residents more access to stores and restaurants within walking distance of where they live and would also result in more tax revenue for the town. I live in Arlington Heights, where stores that depend on foot traffic often seem to struggle, and it would be great to support these kinds of businesses by facilitating denser development. It would also allow for more housing close to transit and help Arlington to contribute to the regional housing shortage in a sustainable way.

Thank you for considering my views.

Sincerely,

Gillian Sinnott

From: Mark Polking <mjpolking@gmail.com>
To: rzsembery@town.arlington.ma.us, KLau@town.arlington.ma.us, EBenson@town.arlington.ma.us, srevilak@town.arlington.ma.us, mtintocalis@town.arlington.ma.us
Date: Sun, 27 Mar 2022 11:37:18 -0400
Subject: Question on Proposed Article 29

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To the Redevelopment Board:

I'm concerned about the proposed Article 29 in the 2022 Town Meeting Warrant that relates to planting of public trees. Would this proposed change to the bylaws apply only to Mass Ave. and Broadway, or would this apply to all public streets within Arlington? I have numerous trees on my property already, and I don't want additional town-owned trees to be planted next to my house. Additional trees would block sunlight to my existing trees, to garden plants, many of which require full sun, and to my roof, on which I would like to install solar panels.

I am also concerned about this proposed bylaw change due to the town's record of gross negligence in maintaining its existing trees. A rotting tree owned by the town nearly destroyed my home in October of 2019, and the town refused to take any responsibility on the grounds that I couldn't prove that the town had been negligent in its maintenance of this particular tree. (I'm pretty sure that if one of my trees damaged town-owned property, the town wouldn't have to prove that I was negligent in maintaining it.) Not only does the town fail to maintain its trees, it isn't even aware of what trees it owns. As shown in the attached slides, for example, a town-owned tree next to my driveway that has existed for at least 15 years isn't listed in the tree inventory, and the tree that fell two and half years ago is still in this inventory. Given that the town doesn't even keep track of what trees it owns, it's very difficult for me to believe that they actually do any maintenance on these trees at all.

If the Redevelopment Board wishes to proceed with this proposed bylaw change, I ask that you allow residents to opt out of having trees planted on their properties, compel the town to maintain its existing (and possible future) trees properly, and ask the town to acquire sufficient insurance to take responsibility for property damage caused by town-owned trees.

Best,
Mark Polking
12 Arnold St.



Town of Arlington, Massachusetts

Correspondence received after 3-28-2022:

Summary:

M. Nathan 3-30-2022
C. Heigham 3-30-2022
F. Pasciuto 3-31-2022
B. Thornton 3-31-2022 (two letters)
L. Vivenzio 3-31-2022
A. LaCourt 4-2-2022
P. Worden 4-2-2022
M. Klein Collins 4-3-2022
C. Marceau 4-3-2022
G. Sinnott 4-3-2022
J. Barr 4-4-2022
E. Cahill 4-4-2022 (two letters)
L. Einsenberg 4-4-2022
J. Gottler 4-4-2022
R. Roth 4-4-2022

ATTACHMENTS:

Type	File Name	Description
Reference Material	Correspondence_from_M._Nathan_received_3-30-2022.pdf	Correspondence from M. Nathan received 3-30-2022
Reference Material	Correspondence_from_C._Heigham_received_3-30-2022.pdf	Correspondence from C. Heigham received 3-30-2022
Reference Material	Correspondence_from_F._Pasciuto_received_3-31-2022.pdf	Correspondence from F. Pasciuto received 3-31-2022
Reference Material	Correspondence_from_B._Thornton_received_3-31-2022.pdf	Correspondence from B. Thornton received 3-12-022
Reference Material	Correspondence_from_B._Thornton_received_3-31-2022_#2.pdf	Correspondence from B. Thornton 3-31-2022 #2
Reference Material	Correspondence_from_L._Vivenzio_received_3-31-2022.pdf	Correspondence from L. Vivenzio received 3-31-2022
Reference Material	Correspondence_from_A._LaCourt_received_4-2-2022.pdf	Correspondence from A. LaCourt received 4-2-2022
Reference Material	Correspondence_from_P._Worden_received_4-3-2022.pdf	Correspondence from P. Worden received 4-2-2022
Reference Material	Correspondence_from_M._Klein_Collins_received_4-3-2022.pdf	Correspondence from M. Klein Collins received 4-3-2022
Reference Material	Correspondence_from_C._Marceau_received_4-3-2022.pdf	Correspondence from C. Marceau received 4-3-2022
Reference Material	Correspondence_from_G._Sinnott_received_4-3-2022.pdf	Correspondence from G. Sinnott received 4-3-2022
Reference Material	Correspondence_from_J._Barr_received_4-4-2022.pdf	Correspondence from J. Barr received 4-4-2022
Reference	Correspondence_from_E._Cahill_received_4-4-	Correspondence from E. Cahill

	Material	2022.pdf	received 4-4-2022
▢	Reference Material	Correspondence_from_E._Cahill_received_4-4-2022_#2.pdf	Correspondence from E. Cahill received 4-4-2022 #2
▢	Reference Material	Correspondence_from_L._Eisenberg_received_4-4-2022.pdf	Correspondence from L. Eisenberg received 4-4-2022
▢	Reference Material	Correspondence_from_J._Gottler_received_4-4-2022.pdf	Correspondence received from J. Gottler received 4-4-2022
▢	Reference Material	Correspondence_from_R._Roth_received_4-4-2022.pdf	Correspondence from R. Roth received 4-4-2022

From: Michele Nathan <abelincoln56@gmail.com>

Date: March 30, 2022 at 2:21:07 PM EDT

To: sdecourcey@town.arlington.ma.us, ldiggins@town.arlington.ma.us, ehelmuth@town.arlington.ma.us, JHurd@town.arlington.ma.us, dmahon@town.arlington.ma.us, 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, JRaitt@town.arlington.ma.us

Subject: Article 38 Ending single family housing

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Hello everyone:

I'm against passing Article 38. Those of us who live in single family homes shouldn't be ostracized or dictated to because we made this choice. While the woman who proposed this has good intentions, increasing affordability, her reasoning wasn't supported by data or research.

You can look at other communities where developers are buying up properties and putting them back on the market for much higher prices. Also, the quality of workmanship is often quite poor. The focus is getting top dollar rather than doing good for the neighborhood and for those who need a leg up.

There are better ways to approach this rather than profit for developers and others who work in real estate

Sincerely,
Michele Nathan.

From: Christopher Heigham <cheigham@comcast.net>
To: "rzsemlery@town.arlington.ma.us" <rzsemlery@town.arlington.ma.us>, "mtintocalis@town.arlington.ma.us" <mtintocalis@town.arlington.ma.us>, "srevilak@town.arlington.ma.us" <srevilak@town.arlington.ma.us>, "KLau@town.arlington.ma.us" <KLau@town.arlington.ma.us>, "EBenson@town.arlington.ma.us" <EBenson@town.arlington.ma.us>
Date: Wed, 30 Mar 2022 18:16:14 -0400 (EDT)
Subject: Warrant Article 38

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Members of the Redevelopment Board:

As you come to a vote on April 4, I join with many others to oppose Article 38, which doesn't address affordable housing and worsens other problems.

It doesn't create real Affordable Housing, like the Housing Corporation of Arlington does.

It doesn't stop the teardowns of smaller houses and subsequent creation of big buildings on small lots (which still look like "McMansions").

It accelerates teardowns since developers will have more money to work with and can buy more expensive single-family homes for the land and (maybe) part of the existing building. These increased teardowns and subsequent expansions will further reduce green space (and trees). [Yes, there is a tree bylaw, but trees within the building envelope are vulnerable, and developers can remove other protected trees if they pay into a town tree fund.] With more residences (and more kitchens and cars), Arlington's aggregate carbon footprint will increase.

Two households have at least 3-4 adults who may each need a car; not everyone can work from home or bike/take public transportation to their job. The town does not have the public transportation infrastructure to support car-free residences in most areas, including much of where Article 38 affects. Also, the town doesn't control the MBTA, which has cut back service in the last couple of years. Also consider that precincts near the Alewife T station are petitioning the Select Board for a pilot program for overnight on-street parking; even near the T residents have many cars. This article will increase pressure on parking, including expanding driveways, for a further loss of green space and drainage.

Please vote No Action on this article.

Respectfully,
Topher Heigham, TMM

March 31, 2022

Attention:

Jennifer Raitt, Town Planner for the Town of Arlington
Members of the Arlington Redevelopment Board

SUPPORT FOR ARTICLE 39

As property owners affected by the Floor Area Ratio (FAR), we support Xavid Pretzer's prospective Article 39, Zoning Bylaw Amendment/Increased Floor Area Ratio for Mixed Use Structures. It is our strong belief the FAR will continue to be an issue as buildings occupy most of the lot in which they sit on. In order to continue to grow and improve along Massachusetts Avenue the FAR needs to be addressed to make developments more feasible. We encourage the ARB to support the Article with no changes for a better Arlington.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank Pasciuto", with a stylized flourish at the end.

Frank Pasciuto, Member Manager
192- 200 Massachusetts Avenue LLC
Framina LLC
2-14 Medford Street LLC
882-892 Massachusetts Ave LLC
400-402 Massachusetts Avenue, LLC

3/31/22

Letter in support of two family homes in single family districts

To: Rachel Zsemary, Kin Lau, Melisa Tintocalis, Eugene Benson, Stephen Revilak

CC: Jenny Raitt, Kelly Lynema

Greetings,

I am writing in strong support for the warrant article to allow two family residential units, as of right, in single family zones.

Over 60% of the town's land area is zoned single family (R0 & R1). When zoning was first adopted in the US in the early part of the 20th century, residential zone categories were developed explicitly to segregate the population, poorer vs richer. Zoning was further fine-tuned to reinforce legal segregation, to keep ethnic and racial minorities from settling in zones intended for white families.

Based on this history alone, I would suggest removing all residential zoning that can be used to segregate our town by income and race.

But if that isn't a compelling concern. Then I have to ask why do we insist on reserving 80% of all residentially zoned land exclusively for single family homes? That seems to me to be a major policy commitment for encouraging the eventual "McMansionization" of 80% of the town's residential area. Is that what we want? Because, unless we encourage an alternative to building McMansions on single family parcels, that is what we will get.

I have heard people refer to this as the end of single-family zoning in Arlington. This is completely untrue. Instead, with any luck, it will turn the tide of takeover in our residential zones by McMansions. Over the last few years, the community's concern about the seemingly unstoppable trend of the tear downs and construction, as of right, of new single family "McMansions" has been a major point of discussion. This bill would help limit the spread of McMansions. The two family residential article, now before the ARB, can prevent this policy and encourage a wider variety of housing types.

Arlington homes are typically over 60 years old. As owners age and decide to sell their single family homes, there will be very few that will be ready to move into, as is. Between 2010 and 2022 there have been 261 "teardowns". That is about 22 teardowns per year. These properties are bought to use for the development of a large home that meets the legal requirements of zoning and maximizes the square footage available to sell. There are no other real options for the sale of an older single family home. We've maintained this law and this policy despite much town wide discussion of the need for a diversity of housing.

In the March 27 Sunday Globe there is a listing for a home for sale on Robbins Road. The one family home is 72 years old. It offers FIVE rooms (3 bedrooms and 2 baths) for a total of 896 square feet, about

the same size as an ADU. The lot is 4726 sf. The listing price is \$1.8 MILLION. Nobody is expected to buy this house for those 72 year old 5 rooms. With 4726 sf, tearing the building down would render the lot unbuildable. But, at an asking price of \$1.8M, there will likely be a complete renovation and a second story within the existing footprint..

Should we blame the homeowners for not keeping the price affordable so a young family can move in?

If we know it will be a teardown, or we know that the parcel price will be so high that a replacement home will be in the \$2M range, we should ask if this is really the policy we want to reinforce at this time?

As future homes come on the market, if they are older and in need of repair, they will be priced for their land and for the value of a newly built home.

We should give the developers the option to build attractive new two family homes, rather than requiring them, indirectly, to build McMansions.

Why would a developer prefer not to build a McMansion?

For one, developers I've spoken to say that building a two family would be their preference given the choice. This "market" reason makes sense, independent of any personal preference. The residential construction cost per square foot is in a range of \$300 to \$500. Assuming \$400 per square foot, for a 4,000 square foot McMansion, the developer would expect to pay \$1.6M to build. To cover cost, risks and time on market to sell, the developer may plan a 20% "profit" for an anticipated selling price of \$1.92M.

Or the developer could build two homes on that parcel at 2,000 sf each with a cost, at \$400/sf, for the same total cost of \$1.6M and the same 20% profit for a total selling price of \$1.92M. But in this scenario, there would be two homes for sale with a price of about \$960K.

It is inconceivable to me that the single-family homeowners in the neighborhood would object to new buyers in their neighborhood that could afford a \$960K home. The developer reduces the selling time risk by offering to a larger market and offering at lower prices that will likely sell faster.

In summary, this warrant article will provide smaller homes at a lower selling price instead of giving our community more \$2M+ McMansions.

I also encourage you to NOT make specific size requirements for the two-family units. This kind of restriction limits the opportunity for a developer or architect to make site specific plans and may discourage better, more creative developers from entering the Arlington market.

I urge you to support this warrant article.

Barbara Thornton
Precinct 16

Barbarathornton1@gmail.com

3/31/22

Letter in support of two-family homes in single family districts

To: Rachel Zsebery, Kin Lau, Melisa Tintocalis, Eugene Benson, Stephen Revilak
CC: Jenny Raitt, Kelly Lynema

Greetings,

I am writing in strong support for the warrant article to allow two family residential units, as of right, in single family zones.

Over 60% of the town's land area is zoned single family (R0 & R1). When zoning was first adopted in the US in the early part of the 20th century, residential zone categories were developed explicitly to segregate the population, poorer vs richer. Zoning was further fine-tuned to reinforce legal segregation, to keep ethnic and racial minorities from settling in zones intended for white families.

Based on this history alone, I would suggest removing all residential zoning that can be used to segregate our town by income and race.

But if that isn't a compelling concern. Then I must ask why do we insist on reserving 80% of all residentially zoned land exclusively for single family homes? That seems to me to be a major policy commitment for encouraging the eventual "McMansionization" of 80% of the town's residential area. Is that what we want? Because, unless we encourage an alternative to building McMansions on single family parcels, that is what we will get.

I have heard people refer to this as the end of single-family zoning in Arlington. This is false. Instead, with any luck, it will turn the tide of takeover in our residential zones by McMansions. It will not wipe out the great preponderance, that currently exists, of single-family homes in Arlington. Over the last few years, the community's concern about the seemingly unstoppable trend of the tear downs and construction, as of right, of new single family "McMansions" has been a major point of discussion. This bill would help limit the spread of McMansions. The two-family residential article, now before the ARB, can prevent this policy and encourage a wider variety of housing types.

Arlington homes are typically over 60 years old. As owners age and decide to sell their single-family homes, there will be very few homes that will be ready to move into, as is. Between 2010 and 2022 there have been 261 "teardowns". That is about 22 teardowns per year. These properties are bought to use for the development of a large home that meets the legal requirements of zoning and maximizes the square footage available to sell. There are no other real options for the sale of an older single-family home. We've maintained this law and this policy despite much town wide discussion of the need for a diversity of housing.

In the March 27 Sunday Globe there is a listing for a home for sale on Robbins Road. The one family home is 72 years old. It offers only FIVE rooms (3 bedrooms and 2 baths) for a total of 896 square feet,

about the same size as an ADU. The lot is 4726 sf. The listing price is \$1.8 MILLION. Nobody is expected to buy this house for those 72-year-old 5 rooms. With 4726 sf, tearing the building down would render the lot unbuildable. But, at an asking price of \$1.8M, there will likely be a complete renovation and a second story within the existing footprint.

Should we blame the homeowners for not keeping the price affordable so a young family can move in? That will never be a realistic solution.

If we know it will be a teardown, or we know that the parcel price will be so high that a replacement home will be in the \$2M+ range, we should ask if this preservation of all single-family parcels is really the policy we want to reinforce at this time?

As future homes come on the market, if they are older and in need of repair, they will be priced for their land and for the value of a newly built home.

We should give the developers the option to build attractive new two-family homes, homes that fit visually well into the neighborhood, rather than requiring them, by default, to build McMansions.

Why would a developer prefer not to build a McMansion?

For one, developers I've spoken to say that building a two family would be their preference given the choice. This "market" reason makes sense, independent of any personal preference. The residential construction cost per square foot is in a range of \$300 to \$500. Assuming \$400 per square foot, for a 4,000 square foot McMansion, the developer would expect to pay \$1.6M to build. To cover cost, risks and time on market to sell, the developer may plan a 20% "profit" for an anticipated selling price of \$1.92M.

Or the developer could build two homes on that parcel at 2,000 sf each with a cost, at \$400/sf, for the same total cost of \$1.6M and the same 20% profit for a total selling price of \$1.92M. But in this scenario, there would be two homes for sale with a price of about \$960K.

It is inconceivable to me that the single-family homeowners in the neighborhood would object to new buyers in their neighborhood that could afford a \$960K home. (Unless the neighbors' real motive is to see their own property values increase to McMansion type rates?) The developer reduces the "selling time" risk by offering to a larger market, at lower prices that will likely sell faster.

In summary, this warrant article will provide smaller homes at a lower selling price instead of giving our community more \$2M+ McMansions.

I also encourage you to NOT make specific size requirements for the two-family units. This kind of restriction limits the opportunity for a developer or architect to make site specific plans and may discourage better, more creative developers from entering the Arlington market.

I urge you to support this warrant article.

Barbara Thornton
Precinct 16

Barbarathornton1@gmail.com

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>, "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: Thu, 31 Mar 2022 12:03:08 +0000 (UTC)

Subject: Voting No on Article 38

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Dear Arlington Redevelopment Board:

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. I am a parent, homeowner and resident of the town of Arlington.

The proposal will cause stress on infrastructure, make it more difficult to park, cause more traffic, reduce green and open space in Arlington. Neighborhoods will continue to change 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. My neighbors and I will be voting no on Article 38 on April 2.

I respectfully request that my comment be added to the record.

Thank you, Laura Vivenzio

From: Annie LaCourt <annie@lacourt.net>

Date: April 2, 2022 at 2:06:31 PM EDT

To: Kelly Lynema <KLynema@town.arlington.ma.us>, Jenny Raitt <JRaitt@town.arlington.ma.us>, Laura Wiener <laura.wiener@rcn.com>

Subject: **FAQ and Answers to ARB questions**

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hi Jennie, hi Kelly:

I am attaching two documents to this email. The first is an FAQ we are distributing to the public that answers most of the questions that came up in the meeting. The second includes answers to additional questions the ARB asked. Let me know if you need anything else for Monday's meeting.

yours,

Annie

Is there a succinct elevator pitch or statement you can provide for the board to talk about this when discussing it with other people?

There is a severe housing shortage in the Boston region, resulting in rapid escalation of housing prices and rents. Job growth is vastly outpacing housing growth.¹ The sponsors of this Article believe that zoning is one of the things holding back increasing housing supply to meet demand. This Article if adopted will allow a modest increase in housing, and will have a minimal impact on the appearance of our neighborhoods. Here's what it will do.

- It increases housing choices, i.e. produces smaller units, attractive to empty-nesters, new families, middle income families. This is something not being produced in the market now. Two-family houses can be rental or homeownership.
- Building 2 units in the same footprint as a large single family home has a smaller environmental footprint per household. Two families live in the same land area as a single family.
- Building units where there is already infrastructure and near MBTA service is also more environmentally sustainable. Building farther away from jobs and services results in more driving, more traffic, and more carbon emissions, and can mean clearing land that is now forested or agricultural.
- This proposal does not change the allowable footprint, setbacks, height or open space. Housing produced under this bylaw will fit into the fabric of the neighborhood. There are already many 2-family houses in single family zones.

How do/would Residential Design Guidelines apply to new construction?

Arlington's [Residential Design Guidelines](#) are a non-regulatory, community-informed tool that provides strategies to balance differences in lot size between houses. They also provide strategies to mitigate the appearance of new, larger houses while allowing property owners to build to the allowed zoning envelope. Because any street in Arlington is a diverse mix of styles, the Guidelines are not prescriptive about regulating style. A well-designed modern house can fit in better than a poorly-designed Colonial-style house. Instead, the Residential Design Guidelines provide tailored guidance to each of the prevalent housing typologies in each neighborhood.

Although the guidelines are recommendations, not compulsory, they are incorporated into the Zoning Board of Appeals' (ZBA) reviews of special permit and variance

1

requests. With regard to Article 38, a special permit would be required for additions to nonconforming buildings, additions to buildings on nonconforming lots, and large additions, among other projects. In reviewing applications for a special permit or variance, the ZBA considers neighborhood context, streetscape patterns, building design, and building elements (e.g., dormers, porches, windows) in their determination of whether an application would or would not “impair the integrity or character of the district or adjoining districts, nor be detrimental to the health or welfare” (criterion E of Zoning Bylaw Section 3.3.3 Decision Criteria).

What are your thoughts on limiting the size of one or both of the units to 1,850 sf or less?

We would prefer not to see this amendment but we won't oppose it if the ARB feels its necessary

Where zoning like this has been enacted (Washington state, California, Minneapolis), what has the outcome been? What have they found (pros and cons)?

<https://planning.org/blog/9219556/measuring-the-early-impact-of-eliminating-single-family-zoning-on-minneapolis-property-values/>

<https://www.planetizen.com/news/2020/09/110400-zoning-reforms-underwhelm-minneapolis-development-market-holds-course>

Email from Minneapolis planning department. For context Minneapolis has 188,000 housing units. A total of 3381 units were permitted in 2020.

Annie,

As we discussed, our regulatory change allowing duplexes and triplexes in our lowest-density districts took effect Jan. 1, 2020. Here is the project web page: <https://www2.minneapolismn.gov/business-services/planning-zoning/amendments/adopted-proposed/recently-adopted/residential-buildings-3-units-amendment/>

Our goal wasn't to drastically change the landscape of single-family housing, but to remove barriers to opportunities to expand housing choices in all neighborhoods. We are seeing quite a few more two-unit buildings compared to triplexes. Duplexes and triplexes are just one way we are allowing for expanded housing options.

Here are permits for duplexes and triplexes in the two-year period following our regulatory change:

Permit Issued 01-01-2020 to 12-31-2021 For:	Allowed Prior to 2040		Total
	Yes	No	
Duplex	29	30	59
New Construction	12	20	32
Alts to Existing Bldg	17	10	27
Triplex	3	12	15
New Construction	2	8	10
Alts to Existing Bldg	1	4	5

For context, I've attached an Excel document with way more Minneapolis housing data than you're probably interested in. But it provides some context about the fact that the numbers above represent a modest amount of housing compared to the overall amount of new housing constructed in the city.

Jason W.

Jason Wittenberg

Manager – Code Development

City of Minneapolis – Community Planning and Economic Development

505 Fourth Ave S – Suite 320

Minneapolis, MN 55415

Consider how outreach happens -- people are picking up a lot of information from different forums, so how can we communicate the facts of the amendment?

We have developed an FAQ and will be attending precinct meetings to talk to town meeting members and will distribute the FAQ through any media channels we can.

Article 38—Allowing two-family homes in single family residential zones Frequently Asked Questions

1. Why is this Article on the Warrant? What will it accomplish if adopted?
 - a. There is a severe housing shortage in the Boston region, resulting in rapid escalation of housing prices and rents. Job growth is vastly outpacing housing growth. The sponsors of this Article believe that zoning is one of the things holding back increasing housing supply to meet demand. This Article if adopted will allow a modest increase in housing, and will have a minimal impact on the appearance of our neighborhoods. Here's what it will do.
 - b. It increases housing choices, i.e. produces smaller units, attractive to empty-nesters, new families, smaller households. This is something not being produced in the market now. Two-family homes can be rental or homeownership.
 - c. Building 2 homes in the same footprint as a large single-family home has a smaller environmental footprint per household. Two families live in the same land area as a single family.
 - d. Building homes where there is already infrastructure and near MBTA service is also more environmentally sustainable. Building farther away from jobs and services results in more driving, more traffic, and more carbon emissions, and can mean clearing land that is now forested or agricultural.
 - e. This proposal does not change the allowable footprint, setbacks, height or open space requirements. Housing produced under this bylaw will fit into the fabric of the neighborhood. There are already many 2-family homes in single family zones.
2. Will this amendment increase teardowns?
 - a. Teardowns are happening now in every part of town. Wouldn't it be better to replace the buildings currently being torn down with the kind of modest housing choices we need? If this proposal isn't adopted, we will continue our current trend of large single-family homes replacing more modest homes.
3. What will be the traffic and parking impact?
 - a. In a regional sense traffic congestion will be improved if we build housing close to jobs and existing infrastructure instead of in the farther-out suburbs and small towns. Building housing near transit means people don't need to drive as much. Two-family homes have the same parking requirement as single-family homes—one space per unit.
4. Will 2-family homes be allowed on undersized lots?
 - a. The rules for undersized lots (aka non-conforming lots) allow changes only within the existing foundation. The structure will not be allowed to increase in size or get closer to the lot lines by right. Any change that increases the size would have to go before the Zoning Board of Appeals.
5. What is the impact on infrastructure and impervious surface?

- a. Two-family homes will have the same requirements for open space and setbacks from the lot lines as single-family homes. Arlington's current requirements for storm water management are higher now than when most of our housing was built. Our DPW has opined that our infrastructure is adequate for our needs into the future. Our population is significantly smaller than it was a few decades ago, and our infrastructure has been upgraded in that time.
- 6. Will neighbors be notified before there is new construction in their neighborhood?
 - a. Arlington requires that neighbors be notified whenever there is demolition, new construction, or large additions over 750 sf. Contractors are required to provide information on starting date, construction hours, rules for noise, trash and other site conditions, and provide contact information. This is the same for single and for two-family homes, and is known as "The Good Neighbor Agreement".
- 7. How would this change property taxes?
 - a. Replacing a single-family home with a 2-family home will increase the tax base, according to the Assessors' Office. This means it is considered "new growth", which adds revenue for the town without increasing anyone's taxes.
- 8. Aren't we dense enough?
 - a. We believe these changes will benefit Arlington by providing more homes and smaller homes, and by increasing the tax base. It will help us to build a more vibrant community that serves the entire life cycle. Two-family homes allow us to welcome households with different housing needs, from different generations, and different economic abilities to share our vibrant community.
- 9. Has this been tried anywhere else?
 - a. Minneapolis implemented such a law in 2019. In the 2 years since it was implemented, There have been 10 conversions from single-family to two-family homes, and 20 new construction 2-family structures in formerly single-family zones, so 30 units total. Minneapolis has 188,000 units. A comparable number for Arlington is 3 new units over 2 years.

Feel free to contact us to learn more.

Annie LaCourt: annielacourt.net@gmail.com

Laura Wiener: laura.wiener73@gmail.com .

See pictures on next page.

Article 38—Allowing two family homes in
single family zones
Before and After Pictures:

27-29 Tanager
Before (single family)



After
(two-family house)



177 Mountain Ave
Before (single family house)



After (single family house)



From: Patricia Worden <pbworden@gmail.com>

Date: April 1, 2022 at 10:17:06 PM EDT

To: Rachel Zsembery <RZsembery@town.arlington.ma.us>

Cc: SDecourcey@town.arlington.ma.us, dmahon@town.arlington.ma.us, ehelmuth@town.arlington.ma.us, Jhurd@town.arlington.ma.us, ldiggins@town.arlington.ma.us

Subject: To achieve transparency in Article 38 presentations

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Dear Chairperson Zsembery,

On downloading the agenda for the Arlington Redevelopment Board (ARB) for the March 7th Warrant Article hearings (including Article 38) soon after it was posted it was found to contain a false statement by a member of the ARB who claimed authorship of the associated agenda photograph presentation at the end of the agenda. I have attached my downloaded agenda showing authorship of that section –which claimed that preexisting nonconforming two-family homes are illegal - that can be seen on page 36. This was very disturbing to some residents and my husband brought it to your attention at the hearing hoping there would be an explanation or apology. But none was forthcoming. Just to be sure my recollection was correct I did review the video recording of the hearing which starts at about 60minutes after the beginning of the meeting.

<https://youtu.be/TZt5FqfdJq8>

(The vast majority of the speakers opposed article 38.)

In my experience a prominent factual mistake or lie of this kind by a member of the Redevelopment Board is unprecedented. **Planning Department (PD) should not have provided or allowed the distressing propaganda on the ARB agenda bordering on fraudulent that preexisting non-conforming uses are illegal.** That is entirely wrong. Where is the transparency and veracity with which the ARB should be operating?

Also, the background material supplied by the PD for Article 38 was dishonest or careless. Neither of which is acceptable for such an important matter. **These are largely cleverly phrased distortions of remarks in the Housing Plan which result in misleading interpretations. For example:**

The majority of land in Arlington is zoned for residential use, with 60% of total land area falling within the R0 and R1 Zoning Districts.

-At first glance, this appears to be factually correct. About 50%-60% of land is zoned R0/1. But that is not what it is used for. Analysis on lot size and use, and single family homes in R0/1 shows that they comprise only 38% of town land.

Of Arlington's land zoned for residential use, 80% is restricted to single-family homes.

Very misleading. RO/1 is full of perfectly lawful other uses, such as municipal, school, religious, etc., as well as hundreds of prior-conforming multifamily homes.

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.

As tear down history in the R2 district shows, the only housing which would be enabled by Article 38 would be for the rich, making 200% or more of AMI. As the tear down history in the R2 district shows nothing has been created for middle income households in recent years.

The PD's background information on Article 38 should also have explained that if 2-family houses are enabled in single family districts that actually enables 4-family residences to be constructed there as allowed by the Accessory Dwelling bylaw approved at last year's ATM

Single family districts have been part of zoning since it was first instituted. It should not be eliminated as a choice for those living there (or hoping to do so) by Article 38 which takes no account of unintended

consequences and is being promoted without proper research. Other states are trying this experiment including California but no attempt has been made by the PD to report on their success or lack thereof. It is irresponsible for PD to try to force us to be the first or one of the first in Massachusetts to do this experiment with false official background material and no appropriate study whatsoever.

Extensive town-wide initiatives should have been made to inform every resident of single-family districts that their home situation is being endangered. This is a fundamental change in our zoning of which our residents are mostly unaware and requires meticulous publicity.

I realize that the Planning Department official and the ARB member who are responsible for the above-described false information have been working for some years to promote increase in residential density especially enabling of 2-family homes by right in single family districts. That does not entitle them to use misleading initiatives in this stealthy endeavor which will be astonishing to many residents. Why is it that even now there no repudiation of the disturbing and false heading for agenda listed illustrations as follows?

Bonus: A Tour of Arlington's Illegal Neighborhoods

These are not illegal communities and I respectfully request an explanation of the defective procedures in the protocol and concomitant information or lack thereof provided to the public for the Hearing of March 7 on Article 38.

In addition to the terrible carelessness in promulgation of this defective article, the disregard of residents is obvious in the fact that there has been no warning to property owners. I respectfully urge you to vote No Action on Article 38.

Very truly yours,

Patricia Barron Worden



Town of Arlington, MA Redevelopment Board

Agenda & Meeting Notice March 7, 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 jraitt@town.arlington.ma.us by March 7, 2022 at 4:00 p.m. The Board requests that correspondence that includes visual information should be provided by March 4, 2022 at 12:00 p.m.

The Arlington Redevelopment Board will meet Monday, March 7, 2022 at 7:30 PM in the
Join via Zoom at <https://town-arlington-ma-us.zoom.us/j/84733721863>, Meeting ID: 847 3372 1863, or by calling (646) 876-9923, enter Meeting ID 84733721863, then #.

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 38

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

To see if the Town will vote to amend Section 5.4 of the Zoning Bylaw by amending definitions and expanding allowable residential uses in the R0 Large Lot Single-Family District and R1 Single-Family District with the goal of diversifying the housing stock; or take any action related thereto.

(Inserted at the request of Annie LaCourt and ten registered voters)

ARTICLE 28

ZONING BYLAW AMENDMENT/ ENHANCED BUSINESS DISTRICTS

To see if the Town will vote to amend the Zoning Bylaw to update Section 5 DISTRICT REGULATIONS to encourage pedestrian activity, maintain an active street, and limit the amount of ground floor retail space occupied by banks, offices, lobbies, and other non-active uses, when feasible; or take any action related thereto. **(Inserted at the request of the Redevelopment Board)**

ARTICLE 29

ZONING BYLAW AMENDMENT/ STREET TREES

To see if the Town will vote to amend the Zoning Bylaw to update Section 2 DEFINITIONS and Section 6 SITE DEVELOPMENT STANDARDS to require street tree plantings for every 25 feet of property facing a street, when feasible; or take any action related thereto. **(Inserted at the request of the Redevelopment Board)**

ARTICLE 30

ZONING BYLAW AMENDMENT/ SOLAR ENERGY SYSTEMS

To see if the Town will vote to amend the Zoning Bylaw to update Section 2 DEFINITIONS and Section 6 SITE DEVELOPMENT STANDARDS to allow for and require installation of solar energy systems for buildings subject to Environmental Design Review with certain exceptions; or take any action related thereto. **(Inserted at the request of the Redevelopment Board)**

2. Draft ARB Meeting Schedule May through December 2022

- 9:30 p.m. • Board members will review and discuss draft meeting schedule through December 2022.

3. Open Forum

- 9:40 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

Estimated time for adjournment is 10:00 p.m.



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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Redevelopment Board)

ATTACHMENTS:

Type	File Name	Description
Reference Material	Agenda_Item_1_-_DPCD_Memo_to_ARB_regarding_Articles_38__28__29__30_dated_03-	DPCD Memo to ARB regarding Articles 38, 28, 29,

07-22.pdf

30 dated 3-7-2022

▢ Reference
Material

Agenda_Item_1_-_2022_Two_Family_Presentation.pdf

2022 Two Family
Presentation

R District Building Height and Floor Area Ratio Regulations (see 5.4.2(B) for exceptions)

District	Use	Maximum Allowed		
		Maximum Height (ft.)	Maximum Height (stories)	Maximum Floor Area Ratio (FAR)
R0, R1				
	Single Family detached dwelling, <u>two family dwelling, duplex dwelling</u>	35	2 ½	-----

By adding the letter "Y" to the "Use Regulations for Residential Districts" table in Section 5.4.3, in the rows labeled "Two family dwelling, duplex" under the columns labeled "R0" and "R1"; so that the first two columns of said rows read as follows:

5.4.3 Use Regulations for Residential Districts

Class of Use	R0	R1	R2	R3	R4	R5	R6	R7
Residential								
Single-family detached dwelling	Y	Y	Y	Y	Y	Y	Y	Y
Six or more single family dwellings on one or more contiguous lots	SP	SP	SP	SP	SP	SP	SP	SP
Two-family dwelling, duplex	<u>Y</u>	<u>Y</u>	Y	Y	Y	Y	Y	Y

Background

For Special Town Meeting 2020, Warrant Article 18 *Improving Residential Inclusiveness, Sustainability, and Affordability by Ending Single Family Zoning* was filed by citizen petition. The STM 20 Article and this Warrant Article share one commonality: allowing two-family and duplex dwellings in R0 and R1 Zoning Districts. The Redevelopment Board reviewed and deliberated on the Article. The ARB Recommended Vote of No Action (4 Yes, 1 No) discussing that the ARB believed that the Article could address,

“the racist legacy of single-family zoning in Arlington, improve environmental sustainability, increase housing choice; and allow for more affordable homes. The ARB also believed that it is important for the Town of Arlington to consider the past actions of both the Town and private entities, reflect on those actions, and determine a way to mitigate and reverse those actions. The ARB acknowledged that the Article reflected a larger policy conversation that the town should have and was interested in hearing from Town Meeting Members on this topic after hearing a wide variety of opinions during the course of public dialogues in 2020.”

The ARB expressed concerns about the 2020 Article and ultimately recognized that there is no clear understanding of the impact of similar rezonings due to the recent nature of similar zoning changes in other States. There was also concern about a lack of public engagement regarding the 2020 Article. The ARB made the following suggestions in 2020:

1. Requiring that any two-family or duplex home that is built appears as a single-family home;
2. Codifying certain design requirements to maintain the appearance of a single-family home as well as minimizing changes that may alter the streetscape view; and
3. Capturing the value gained by building two homes versus one home by requiring a percentage payment to a municipal affordable housing trust fund based on the sales price or assessed value.

The staff provide the following additional considerations relevant to this article, a number of which were provided to the ARB in 2020 but have been updated here to reflect January 2022 data from the Town Assessor:

Affects Land Use in Low Density Residential Districts (R0 and R1)

The majority of land in Arlington is zoned for residential use, with 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. Arlington has very little undeveloped land within its residential districts: within R0 and R1 districts, 28 parcels are classified by the land use code "Developable" or "Potentially Developable."¹

The proposed amendment would expand the ability of property owners to create additional housing within these two districts by allowing existing structures to be converted to two-family structures by right. It would also permit structures in R0 and R1 districts to be redeveloped from single-family to two-family homes by right so long as the new development complies with the dimensional requirements of the Zoning Bylaw. Note that the dimensional requirements for each zoning district would remain the same, requiring any additions or new construction to comply with the allowable dimensional requirements for their respective zoning district.

Conforming vs. Nonconforming Parcels in the R0 and R1 Zoning Districts

Single-family homes occupy 93% (504) of the 546 parcels in the R0 district and 89% (6,808) of the 7,635 parcels in the R1 district. In 2021, staff worked with the Town's Director of GIS/Systems Analyst to assess the potential impact of the proposed amendment to allow construction of energy efficient homes on nonconforming lots. Through that analysis and as shown in Table 1 below, it was discovered that approximately 82% of lots in the R0 district and 57% of lots in the R1 district conformed to the minimum lot area and frontage set forth in the zoning bylaw.²

Table 1: R0 and R1 Dimensional Requirements³				
Zoning District	Minimum lot size	Minimum frontage	Conforming lots	Nonconforming lots
R0	9,000 sf	75 feet	82%	18%
R1	6,000 sf	60 feet	57%	43%

This data suggests that approximately 42% of single-family homes in the R0 and R1 could not be demolished and replaced with a two-family home by right unless they also created an energy-efficient foundation per Section 5.4.2(B)(8) of the Zoning Bylaw. Additions to properties on nonconforming lots can only be made after receiving a Special Permit through the Zoning Board of Appeals, which since December of 2020 has incorporated the *Arlington Residential Design Guidelines*⁴ into its review process. Additionally, 744 properties in the R0 and R1 districts are subject to Conservation Commission review, and 195 properties in the R1 district are within a local historic district and subject to the Arlington Historic District Commission review process.

Potential for Replacement or Redevelopment of Single-Family Structures

In the *Report on Demolitions and Replacement Homes*,⁵ DPCD identified two conditions that have led to the demolition and replacement of homes in the last decade: structures located on lots large enough to be subdivided, and older, smaller properties that often do not meet modern owners' lifestyle

¹ Arlington Assessor data, pulled 1/4/2022.

² Undeveloped, or 0-lots, were not included in this analysis.

³ Note that the analysis conducted in 2021 included nonresidential parcels (e.g., schools, churches), however because the median lot size of nonresidential parcels in the R0 and R1 district is 29,387 square feet it is statistically likely that most nonresidential parcels are conforming.

⁴ Arlington Residential Design Guidelines (2020), available at

<https://www.arlingtonma.gov/home/showpublisheddocument/54518/637472609831970000>

⁵ DPCD Report on Demolitions and Replacement Homes, pg. 24.

preferences. The analysis determined that there are a limited number of lots that could be subdivided by right (81 total in the R0 and R1 zoning districts).

Staff then identified smaller, older single-family homes where there is an incentive for an owner to tear down a small home and replace it with one that maximizes the available square footage within the zoning restriction. Using 1980 as a threshold for structure age, 1,500 square feet finished area as a threshold size,⁶ and the minimum required lot sizes for each zoning district, staff identified 690 homes that meet these thresholds. A second analysis was run using the Department of Housing and Community Development (DHCD) definition of a “starter” home, which per DHCD standards is less than or equal to 1,850 square feet. A breakdown of relevant datapoints for those homes is included in table 3 below.

Table 2: Older, Smaller Single-Family Homes in R0 and R1 Districts						
	All Homes		Older, Smaller Homes on min. area or larger lots		Older, “Starter” Homes on min. area or larger lots	
	R0	R1	R0	R1	R0	R1
Total	504	6,808	7	683	34	1,527
Median year built	1954	1940	1953	1948	1953	1950
Median square footage	2,691	1,860	1,440	1,317	1,655	1,536
Median assessed value	\$1,006,400	\$781,700	\$738,700	\$686,000	\$805,550	\$716,300
Median land value	\$525,450	\$446,000	\$530,500	\$448,400	\$514,200	\$451,500
Land value as a proportion of total value	52%	57%	72%	65%	64%	63%

These homes represent a small portion of properties in the R0 district (1.4%), and a slightly larger proportion of properties in the R1 district (10%). These proportions may be slightly higher than actual, as properties with nonconforming frontage were not included in the analysis. There is potential for smaller, older homes to be replaced with new two-family structures under the proposed amendment, especially where the ratio of land to total value of a property is high. However, the factors that lead to these homes being considered desirable for replacement is not a new consideration that would be introduced by the proposed amendment; such properties can and sometimes are redeveloped as single-family structures under Arlington’s current zoning.

Current Rates of Demolition and Large Additions

Between 2010 and 2022, 322 permits were issued in Arlington for substantial residential construction projects in Arlington’s low-density zoning districts: 261 for demolitions and 61 for major renovations. On average, 27 permit applications were filed each year. During the same twelve-year period, 67 permit applications were processed for demolition permits to replace a single-family home with a two-family home in the R2 district, a rate of six converted properties a year.

Real Estate Turnover and Sales Prices in Arlington

The ability to demolish and replace single-family structures with new single or two-family structures is limited by several factors. First, as outlined above, existing nonconformities and review processes serve as barriers to simple, by right, redevelopment, either lengthening the process or deterring redevelopment of those properties entirely. Second, Arlington property owners tend to stay in their homes for many years. Data from an analysis of Assessor’s records for properties that were demolished or substantially renovated

⁶ 1,500 square feet was selected as a threshold as it is roughly half of the average square footage of newly constructed homes in the R1 zoning district.

between 2010 and 2020 reveals that the median tenure of the resident who owned a home prior to the purchaser who ultimately demolished or renovated it was 23 years. The middle 50% of sellers lived in their home between 12 to 40 years. Third, turnover of homes in Arlington's real estate market is low. According to Multiple Listing Service (MLS) data, the median number of single-family homes sold each year in Arlington is 277.⁷

Home sales exceeded this median only slightly in 2021, with 296 single-family homes sold. Below are data on sales prices by zoning district; single-family home sales are shown for the R0 and R1 districts, while data on condo sales is shown for the R2 district.

Table 3: 2021 Home Sales: Reported in Assessor Data					
Zoning District	# Sales (2021)	Med. Sale Price (2021)	Med. Assessed Value (2022)	Med. Year Built	Med. sf
R0	35	\$1,300,000	\$1,116,100	1952 (2 built since 2015)	2,687 sf
R1	261	\$905,000	\$757,400	1939 (3 built since 2015)	1,833 sf
R2	154	\$746,500	\$683,700	1923 (2 built since 2015)	1,607 sf

Two Family and Multi Family Homes in the R0 and R1 Zoning Districts

Two-family and multi-family homes are currently in the R0 and R1 zoning today, although they are considered nonconforming uses. Within the R0 and R1 districts there are approximately 180 condominiums, 194 two-family homes, seven three-family buildings, ten multi-family buildings of four or more apartments, and four properties with multiple houses on one parcel (for example, a single- and a two-family building on one parcel). The majority of these buildings are in the R1 district.

Consistency with the Master Plan and Fair Housing Action Plan

Two of the stated goals of the Master Plan are to provide a variety of housing options for a range of incomes, ages, family size, and needs and to preserve the "streetcar suburb" character of Arlington's residential neighborhoods.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. The proposed amendment does not seek to alter the dimensional requirements of the R0 or R1 zoning districts, thereby ensuring that additions, new construction, or conversions from single-family to two-family housing would be equally consistent with surrounding homes in a neighborhood as new single-family construction.

The proposed amendment is also consistent with Strategy C of the Fair Housing Action Plan, which recommends reforming the Zoning Bylaw to encourage development that increases fair housing choice. Two actions listed under this strategy are to "allow two-family development by right in nominally single-family districts where two-family dwellings were historically commonplace," and to "explore zoning amendments that would allow two- and three-family homes in single-family districts where the total building size is similar to that of abutting single-family homes."

⁷ MLS Total Sold Market Statistics reports for years 2000, 2005, 2010, 2015, and 2018 run by Steve McKenna of The Home Advantage Team on 1/10/2019 and reported in the *Report on Demolition and Replacement Homes*.

⁸ Arlington Master Plan: Your Town, Your Future (2015), pg. 77

Article 28

ZONING BYLAW AMENDMENT/ ENHANCED BUSINESS DISTRICTS

To see if the Town will vote to amend the Zoning Bylaw to update Section 5 DISTRICT REGULATIONS to encourage pedestrian activity, maintain an active street, and limit the amount of ground floor retail space occupied by banks, offices, lobbies, and other non-active uses, when feasible; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

Background

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

- **Applicability of proposed amendment:** This amendment applies to the 353 properties within the Business Zoning Districts (B1, B2, B2A, B3, B4, and B5) with frontage along Massachusetts Ave or Broadway⁹. The ARB reviews approximately ten proposals annually regarding redevelopment of properties and signage, however this amendment would apply only to new development and redeveloped properties. In many reviews, the ARB talks about strategies for activating the public realm or reducing the area of ground floor space dedicated to inactive uses. The proposed amendment would codify the goals, applicability, and requirements for encouraging more active uses at the level of the street, providing clarity around the requirements for both the ARB and applicants.
- **Follows the Industrial Zoning District requirements approved by 2021 Annual Town Meeting:** This amendment applies a modified version of the “Transparency and Access” development standard for Industrial Districts under Section 5.6.2(D)(3) of the Zoning Bylaw to the Business Districts. The first four standards addressing transparency, façade articulation, and building entries are consistent with the standards for the Industrial Districts, however they have been adjusted to require slightly greater transparency (60% compared to 50% in the Industrial Districts) and more frequent façade articulation (a minimum of 30 feet compared to 50 to 80 feet) to cultivate a slightly higher standard for activation as is appropriate for commercial areas.
- **Complies with regional and national recommendations:** Regional and national standards for ground floor activation were consulted in developing the amendments. For example, the Congress for New Urbanism (CNU) notes that blank walls greater than 30 feet in length are detrimental to the vibrancy of main streets and downtowns¹⁰. While façade articulation at a minimum of 50 to 80 feet is appropriate for the Industrial District, façades along Arlington’s commercial districts are substantially shorter. For example, the façade at 190 Mass Ave (formerly Adventure Pub) is just under 25 feet, and the façade of the dual storefront at 474 and 476 Mass Ave (U Sushi Café and a vacant storefront) is 32 feet. Restaurants, such as Acitrón Cocina at 475 Mass Ave and the former Not Your Average Joes at 645 Mass Ave have 54 and 64 a foot façade, respectively.

Regarding limiting the size and improving the visibility of lobbies, staff looked to Boston-region municipalities with areas of mixed-use development to understand how other communities have addressed lobby access to upper floor uses in their zoning. The proposed language, which places non-dimensional limits on the size of lobby areas on the ground floor to preserve more space for active uses, has been adapted from Somerville’s zoning ordinance.

⁹ Note that 97 of these properties are condominiums and unlikely to be resold or redeveloped as a group; leaving 256 properties subject

¹⁰ CNU, “A Handbook for Improved Neighborhoods”, 2020-2021, available at <https://www.cnu.org/sites/default/files/AARP-CNU-Enabling-Better-Places-12220si.pdf>

- **Consistency with the Master Plan and the Arlington Heights Neighborhood Action Plan:** The Master Plan recommends implementation of the Koff Commercial Center Revitalization Report, which indicates that the zoning bylaw should be revised to support desired and appropriate building placement, form, scale, density, and mix of uses¹¹. The Warrant Article appears to be consistent with this goal.

Amend SECTION 5.5.2:¹²

5.5.2(B) Development Standards

- (1) **Purpose.** The purpose of this Section 5.5.2(B) is to encourage pedestrian activity, maintain an active street, and limit the amount of ground floor space occupied by banks, offices, lobbies, and other non-active uses.
- (2) **Applicability.** In the Business Districts, new construction, additions over 50% of the existing footprint, or redevelopment ~~with frontage on Massachusetts Avenue or Broadway~~ subject to review by the Arlington Redevelopment Board shall be governed by all regulations of this Section as well as all other applicable provisions of this Bylaw. ~~to provide the following:~~
- (3) **Administration.** This Section 5.5.2(B) shall be administered subject to Section 3.4, Environmental Design Review Special Permit by the Arlington Redevelopment Board.

(4) Standards

Transparency and access. In the Business Districts, the following requirements apply to all new construction, additions over 50% of the existing footprint, or redevelopment:

- The required minimum transparency of the ground floor principal façade visible from a public right-of-way is 60% of the area measured between 2 and 8 feet in height from the level of the finished sidewalk.
- All façades visible from a public right-of-way shall be given equal treatment in terms of architectural detailing. No blank façades are permitted. Façades shall be articulated a minimum of every 30 feet.
- Each ground floor storefront in a building shall have a clearly defined primary entrance that faces the principal street. A corner door may be used for a building that faces two public streets.
- The primary building entry shall be connected by an accessible surface to the public sidewalk.
- Lobby entrances for upper story uses should be optimally located, well defined, and clearly visible, ~~and separate from the entrance for other ground floor uses.~~ Buildings should use any combination of articulation, a double-height ceiling, a distinctive doorway, a change in wall material, a change in paving material within the frontage area, or other architectural element(s) to make lobbies visually and materially distinctive. Lobby entrances for upper story uses may be located on a side or rear façade of a building.
- Lobbies should be limited in both width and total area to preserve floor space and façade frontage for other ground floor uses.
- Existing commercial spaces with frontage exceeding the above dimensional requirements are exempt.

¹¹ Arlington Master Plan: Your Town, Your Future, 2015, pg. 107

¹² Highlighted text indicates changes from the 2022 Annual Town Meeting Draft Zoning Bylaw Amendments published on February 17, 2022.

ARTICLE 29

ZONING BYLAW AMENDMENT/ STREET TREES

To see if the Town will vote to amend the Zoning Bylaw to update Section 2 DEFINITIONS and Section 6 SITE DEVELOPMENT STANDARDS to require street tree plantings for every 25 feet of property facing a street, when feasible; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

Background

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

- **Applicability of proposed amendment:** This amendment applies to the 353 properties within the Business Zoning Districts (B1, B2, B2A, B3, B4, and B5) with frontage along Massachusetts Ave or Broadway¹³. The ARB reviews approximately ten proposals annually regarding redevelopment of properties and signage, however this amendment applies only to new development and redeveloped properties. In recent years, members of the Board have raised concerns about a lack of public shade trees along the public right of way fronting these properties. The proposed amendment would codify the goals, applicability, and requirements for providing public shade trees, thereby clarifying the requirements both for the Board and applicants.

- **Current regulations around street trees**

Article 16: Tree Protection and Preservation of the Town Bylaws states:

“The preservation of the tree canopy and planting of replacement trees is essential to preserving the character and aesthetic appearance of the Town and maintaining quality of life and the environment in the Town. Trees improve air quality, protect from heat and glare, reduce noise pollution, limit topsoil erosion and stormwater runoff, provide natural flood control, enhance property values, contribute to the distinct character of neighborhoods, and offer natural privacy to neighbors.”

The bylaw goes on to describe the Town’s procedures and requirements for the preservation of trees, noting that the Arlington Redevelopment Board may waive the requirements of the bylaw for sites under its jurisdiction where the waiver serves the interest of the community.

Notably, Article 16 applies only to trees located on private property. The Department of Public Works (DPW), operating through the Tree Warden, maintains an inventory of public trees and plants 200 to 300 new street trees annually. Some are replacements of dead or diseased trees; however, the majority are trees planted with the goal of increasing Arlington’s public shade tree canopy.

Along the commercial corridors, there is limited area for trees to be planted inland of the right of way, or on private property. Combined with the Town’s expressed interest in improving streetscape conditions and the ARB’s recent requests for applicants to incorporate public shade trees into their redevelopment proposals, the amendment supplements DPW’s tree planting efforts by requiring applicants to incorporate public shade trees into their landscaping strategies.

- **Local and regional precedent for street tree requirement:** The amendment reflects the Industrial Zoning District amendments as adopted by 2021 Annual Town Meeting, with the exception that it requires a slightly tighter spacing of public shade trees (every 25 feet in

¹³ Note that 97 of these properties are condominiums and unlikely to be resold or redeveloped as a group, leaving 256 properties subject

comparison with the requirement in Section 5.6.2(B)(5) for 35-foot spacing). Many zoning bylaws and ordinances throughout the Commonwealth require the provision of public shade trees as part of development or redevelopment in commercial areas. The proposed amendment follows the standards established in other communities, as well as standards implemented by the Tree Warden, Tree Committee, and Conservation Commission, including requirements regarding tree placement, size, type, and maintenance.

- **Amendment details**

The amendment establishes minimum standards for newly planted trees, including a requirement to select trees from a list approved by the Arlington Tree Warden, who with the Arlington Tree Committee maintains such a list. Additional standards are provided regarding tree height and caliper, as well where new plantings should be located and the appropriate distance between public shade trees. The amendment includes provisions to ensure that newly planted trees are maintained in compliance with the American Standard for Nursery Stock; This standard is consistent with requirements of the Arlington Conservation Commission.

A 25-foot spacing is the general standard for spacing of public shade trees. The amendment describes situations in which the ARB may provide some flexibility, such as instances where a planting would present a significant curbside barrier or conflict with sidewalk width requirements of the Americans with Disabilities Act (ADA).

The proposed amendment exempts applicants who are seeking minor renovations or sign approvals. Properties where there are presently sufficient shade trees to meet the stated requirement are also exempt. Finally, the amendment grants the Board the flexibility to relax the standards should other physical barriers prevent plantings at the required spacing.

- **Consistency with the Master Plan:** The Master Plan states that in addition to environmental and public health benefits, trees have a significant impact on the quality of the pedestrian's experience in Arlington's commercial centers and neighborhoods. This amendment supports the Master Plan goal of addressing street tree problems, including replacement of trees lost due to age, storms, and failed survival of newly planted trees¹⁴. It also coordinates tree care between the Town and property owners.

Amend SECTION 2:¹⁵

Public Shade Tree: A tree planted within the furnishing zone of a sidewalk public right of way as an element of a thoroughfare consistent with G.L.c. 87, § 1.

Amend SECTION 6:

6.3 PUBLIC SHADE TREES

6.3.1 Purpose

The purpose of this Section 6.3 is to:

- A. Provide for adequate public shade tree coverage along Arlington's main corridors;
- B. Implement carbon neutral policies of the Town of Arlington;
- C. Address heat island effects emanating from Arlington's main corridors;

¹⁴ Arlington Master Plan: Your Town, Your Future (2015), pg. 191.

¹⁵ Highlighted text indicates changes from the 2022 Annual Town Meeting Draft Zoning Bylaw Amendments published on February 17, 2022.

D. Enhance public health and walkability with proper shading.

6.3.2 Applicability

In the Business Districts, new construction, additions over 50% of the existing footprint, or redevelopment with frontage on Massachusetts Avenue or Broadway subject to review by the Arlington Redevelopment Board shall provide one public shade tree every 25 linear feet of lot frontage along the public right of way.

6.3.3 Administration

- A. This Section 6.3 shall be administered subject to Section 3.4, Environmental Design Review Special Permit by the Arlington Redevelopment Board.
- B. After the effective date of this Bylaw, public shade trees shall be provided for any applicable use noted above and subject to Section 3.4, Environmental Design Review and in accordance with the Standards established in this Section.

6.3.4 Standards

- A. Street trees shall be planted within existing and proposed planting strips, and in sidewalk tree wells on streets without planting strips.
- B. Trees shall be selected from the approved tree list set forth by the Tree Committee and approved by the Tree Warden.
- C. When planted, trees must be a minimum height of ten (10) feet or two (2) inches in caliper.
- D. All new trees shall be maintained in accordance with American Standard for Nursery Stock standards for a period of no less than 36 months from the date of planting. Properties in which there are preexisting public shade trees at the required spacing along the public right of way are exempt.
- E. Where there is no other suitable location within the right of way, shade trees may be proposed in locations within the lot, or in exceptional circumstances, the Arlington Redevelopment Board may allow the owner to make a financial contribution to the Arlington Tree Fund.

The Arlington Redevelopment Board may grant an increase in spacing between plantings where a new planting would conflict with existing trees, retaining walls, utilities, and similar physical barriers, or other curbside uses.

6.3.5 Computation

When computation of the number of public shade trees results in a fractional number, any result of 0.5 or more shall be rounded up to the next consecutive whole number. Any fractional result of less than 0.5 may be rounded down to the previous consecutive whole number. The Arlington Redevelopment Board may allow the owner to make a financial contribution to the Arlington Tree Fund in an amount equivalent to the full and fair market value of the additional whole tree.

ARTICLE 30

ZONING BYLAW AMENDMENT/ SOLAR ENERGY SYSTEMS

To see if the Town will vote to amend the Zoning Bylaw to update Section 2 DEFINITIONS and Section 6 SITE DEVELOPMENT STANDARDS to allow for and require installation of solar energy systems for buildings subject to Environmental Design Review with certain exceptions; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

Background

In 2017, the Town hired RKG Associates to work with the Department of Planning and Community Development (DPCD) and the Zoning Recodification Working Group to update the Master Plan's Zoning Audit and provide a pathway to recodifying the Zoning Bylaw. The new audit included the identification of a gap in Arlington's Zoning Bylaw: the exclusion of defining and providing standards for solar facilities. At that time, only ground mounted solar facilities were allowed in the Industrial Zoning District. The main task of recodification was completed in 2018 with additional, substantive zoning amendments occurring in 2019 through 2021. The 2021 Zoning Bylaw amendments included adding new Industrial Uses and standards to Industrial Zoning Districts, including requirements for solar facilities. In 2021, the Net Zero Action Plan was endorsed by the Select Board. The plan includes strategies to encourage solar-ready and solar facility installation throughout Arlington. Following discussions with the Zoning Bylaw Working Group and members of the Clean Energy Future Task Force in fall 2021 and early 2022, the ARB agreed to advance these amendments to Town Meeting to define solar facilities and establish clear site development standards for locating them.

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

- **The Zoning Bylaw's current rules for solar facilities and relationship to the Arlington Master Plan:** Arlington's Master Plan reiterates the Town's commitment to sustainability, energy efficiency, and natural resource protection. While the Master Plan does not explicitly address the goal of this Article to reduce greenhouse gas (GHG) emissions in Arlington, the proposed amendment is consistent with specific recommendations to protect natural resources (by reducing pollution) and preserve open space (by promoting rooftop versus ground-mounted solar).

As part of Arlington's Zoning Recodification, the Town's Zoning Recodification Working Group requested a memorandum from consultants RKG Associates, Inc. to comment on Arlington's Zoning Bylaw. The 2017 memorandum notes missing provisions related to solar facilities in the Zoning Bylaw.¹⁶ The Zoning Audit completed as part of the 2015 Master Plan (Appendix I)¹⁷ also recommends that the "ZBL should address...use of alternative energy sources." Until 2021, solar facilities in Arlington's Zoning Bylaw were referenced only via the allowance by-right of ground-mounted solar installations in the Industrial District, an amendment approved by Town Meeting in 2010¹⁸ to enable the Town's designation as a Green Community under the Massachusetts Department of Energy Resources (DOER) Green Community Designation and Grant Program.

In 2021, Town Meeting approved the addition of Section 5.6.2(D)(1) of the Zoning Bylaw, Renewable Energy Installations, as part of Development Standards applicable to new development or additions over 50% of the existing building footprint in the Industrial District.¹⁹

¹⁶ RKG Associates, Inc., *Annotated RKG Zoning Assessment*, 2017, <https://www.arlingtonma.gov/home/showpublisheddocument/38949/636433192143130000>

¹⁷ RKG Associates, Inc., *Arlington Master Plan Appendix I: Zoning Audit*, 2014, <https://www.arlingtonma.gov/home/showpublisheddocument/28453/635883794519700000>

¹⁸ Town of Arlington Town Meeting, *2010 Annual TM Votes by Article*, 2010, <https://www.arlingtonma.gov/home/showpublisheddocument/25014/635663482905270000>

¹⁹ Arlington Town Meeting, *Arlington Annual Town Meeting Summary of Votes*, 2021, <https://www.arlingtonma.gov/home/showpublisheddocument/56166/637583307905870000>

The Standards provide flexibility to the Redevelopment Board to allow height and setback adjustments to accommodate solar photovoltaic and solar thermal systems. The Standards also require that all new commercial and mixed-use buildings in the Industrial District be solar ready, and that additions over 50% of the existing footprint be solar ready “to the extent feasible.”

Solar energy systems are neither required nor explicitly encouraged in other Zoning Districts. These systems are also not prohibited and simply require a building permit for installations. If located in an Historic District, additional design guidelines apply prior to issuance of a Certificate of Appropriateness.

- **Consistency with Arlington’s Net Zero Action Plan** – The Net Zero Action Plan, adopted by the Arlington Select Board in 2021, is a roadmap for Arlington to achieve net zero greenhouse gas (GHG) emissions by 2050. To this end, priority measure Net Zero Buildings (NZB) 11 within the Net Zero Action Plan specifies: “Require all new commercial buildings and multi-family buildings above a certain number of units to include solar PV [photovoltaic] and/or solar thermal (or be “solar ready”) on a minimum of 50 percent of roof area.” The Net Zero Action Plan also states that “solar PV and/or solar thermal can be a cost-effective, zero-carbon energy solution on new commercial and multi-family buildings and will help reduce emissions from new buildings in Arlington.”

Further, the Net Zero Action Plan “calls for every building in Arlington to be a net zero energy capable building by 2050” and “encourages those buildings that are able to... become a ‘plus energy’ building” by 2050. A net zero energy building produces enough energy onsite to match its annual energy consumption. A plus energy building produces more energy than it consumes. The Net Zero Action Plan also specifies that “each building has a goal of reducing its energy consumption to a level where the needed annual energy could be generated on site if the building had a suitable southern exposure for solar panels.” Achieving this goal implies that all suitable rooftops in Arlington, an estimated 75% of roofs or 9,000 roofs,²⁰ will need to have a solar energy system by 2050. The Net Zero Action Plan’s broader goal of net zero emissions by 2050 relies on “all Arlington buildings [becoming] net zero emissions buildings by 2050,” meaning that more than 400 buildings per year for 30 years will need to be converted to a zero-emission building.

- **Consistency with State GHG reduction and rooftop solar deployment goals** – In March 2021, Governor Baker signed into law Senate Bill 9 - *An Act Creating a Next Generation Roadmap for Massachusetts Climate Policy*.²¹ This law commits the State to achieving net zero GHG emissions by 2050 and authorizes the Secretary of Energy and Environmental Affairs (EEA) to set interim GHG reduction targets of at least 50% by 2030 and 75% by 2040 (below the 1990 baseline). The analysis supporting the law, documented in the Massachusetts 2050 Decarbonization Roadmap,²² assumes significant market penetration of solar photovoltaic (PV): 25%-30% of electricity generation across all modeled zero carbon scenarios.²³ While rooftop solar PV represents varying portions of this sub-total, the study also notes the land-use benefits of pursuing aggressive rooftop solar development versus ground-mounted solar, which has the potential to displace natural resources that act as carbon-sinks. The study’s baseline case contains several assumptions, including the presence of solar installations on 1-in-3 roofs across Massachusetts by 2050 (representing an approximate tripling of energy from rooftop solar

²⁰ Google Project Sunroof, *Estimated rooftop solar potential of Arlington, MA*, Accessed March 1, 2022, https://sunroof.withgoogle.com/data-explorer/place/ChIJ_RJa6UB244kRCPI23SYipkU/

²¹ Press Office of Governor Charlie Baker and Lt. Governor Karyn Polito, *Governor Baker Signs Climate Legislation to Reduce Greenhouse Gas Emissions, Protect Environmental Justice Communities*, 2021, <https://www.mass.gov/news/governor-baker-signs-climate-legislation-to-reduce-greenhouse-gas-emissions-protect-environmental-justice-communities>

²² Executive Office of Energy and Environmental Affairs, *MA Decarbonization Roadmap*, 2021, <https://www.mass.gov/info-details/ma-decarbonization-roadmap#final-reports->

²³ Evolved Energy Research, *Energy Pathways to Deep Decarbonization: A Technical Report of the Massachusetts 2050 Decarbonization Roadmap Study*, 2020, <https://www.mass.gov/doc/energy-pathways-for-deep-decarbonization-report/download>

compared to today), as well as future regional hydroelectric and wind resources providing a significant amount of additional clean energy capacity.

- **Applicability of and potential impact of amendment** – This Article seeks to require solar energy systems for structures subject to the Town’s existing Environmental Design Review (EDR) process. The requirements do not apply to: structures undergoing EDR that do not have appropriate solar exposure (due to orientation or shading) or sufficient load capacity; buildings in a Historic District, as determined by Historic District Commission certificate denial; EDR applications for changes of use, façade alterations not impacting architectural integrity, outdoor uses, temporary signage, sign approval; and religious, non-profit educational, and childcare facilities, where inconsistent with reasonable regulation.

Given the applicability of the amendment, the Town estimates that three to five buildings would be subject to this solar requirement on an annual basis. The median cost of a solar installation from 2017-2019 in Arlington ranged from \$24,000-\$30,000, before incentives (calculated based on the median \$/watt and median kW of all installations in the 02474 and 02476 zip codes).²⁴ The total cost of an installation will depend on the size of the system on a given rooftop. The solar payback period in Massachusetts is approximately 7 years, on average.²⁵

Beyond a direct purchase, there are various financing options for owners to install solar energy systems. These include loans, solar leasing, and power purchase agreements (PPA) and could enable an owner to install solar with little or no upfront cost.²⁶ These models are a common solution for owners who may not have the capital to purchase a system outright. The Town itself leverages a 20-year PPA for six installations on the Arlington Public Schools, and several commercial buildings in Arlington, including the Cambridge Savings Bank and Mirak Hundai Service Center, have already used solar financing to install solar at scale. Solar developers typically offer “turnkey installation,” including the price of assessment, design, and installation.

If an owner directly purchases the solar energy system, incentives are available to offset costs of solar installation over the lifetime of the system. Applicability will depend on the nature of the development under review. Incentives for which non-residential properties are eligible include the commercial Federal Investment Tax Credit (ITC) of 26% (decreases to 22% in 2023 and 10% in 2026); accelerated depreciation—a tax deduction available to those taking the commercial ITC;²⁷ and the Solar Massachusetts Renewable Target (SMART), through which ratepayers earn a fixed rate per kWh of solar produced; and net metering options through which ratepayer may receive payment for any unused electricity.²⁸ In addition to the Residential ITC decreases to 22% in 2023 and 0% in 2024, residential systems are eligible for the Massachusetts Personal Income Tax Credit.

- **Authority for regulating solar energy systems via zoning** – Policy guidance²⁹ associated with Model Zoning for the Regulation of Solar Energy Systems³⁰ issued by DOER states that a Zoning

²⁴ Massachusetts Clean Energy Center, Solar Costs Comparison Tool, Accessed March 1, 2022, <https://www.masscec.com/cost-and-performance>

²⁵ Energy Sage, *Massachusetts solar panels: local pricing and installation data*, Accessed March 1, 2022, <https://www.energysage.com/solar-panels/ma/>

²⁶ Massachusetts Clean Energy Center, *Solar Financing Options*, <https://www.masscec.com/solar-financing-options>

²⁷ U.S. Department of Energy Office of Energy Efficiency & Renewable Energy, *Guide to the Federal Investment Tax Credit for Commercial Solar Photovoltaics*, 2021, <https://www.energy.gov/sites/prod/files/2021/02/f82/Guide%20to%20the%20Federal%20Investment%20Tax%20Credit%20for%20Commercial%20Solar%20PV%20-%202021.pdf>

²⁸ Massachusetts Department of Energy Resources, *Solar Massachusetts Renewable Target (SMART) Program*, <https://www.mass.gov/info-details/solar-massachusetts-renewable-target-smart-program>

²⁹ Massachusetts Executive Office of Energy and Environmental Affairs, *Policy Guidance for Regulating Solar Energy Systems*, 2014, <https://www.mass.gov/files/documents/2016/08/nh/model-solar-zoning-guidance.pdf>

Bylaw/Ordinance is the appropriate place in which to regulate solar energy systems. The policy guidance notes that solar energy systems are a type of land use and are regulated primarily under Massachusetts General Law (M.G.L.) Chapter 40A Section 3. 40A clarifies that, “No zoning ordinance or by-law shall prohibit or unreasonably regulate the installation of solar energy systems or the building of structures that facilitate the collection of solar energy, except where necessary to protect the public health, safety or welfare.” The proposed amendments do not prohibit solar facilities or unreasonably regulate their installation, rather they clarify and define said facilities and propose a site plan review and standards process.

- **Precedent for solar energy system requirements** – Many municipalities aim to facilitate the installation of solar facilities at new buildings and those undergoing significant renovations. A zoning requirement for solar energy systems have been enacted in the City of Watertown, MA Zoning Ordinance for new, large commercial developments via site plan review;³¹ and in the City of Medford, MA Code of Ordinances for new, large residential or nonresidential projects via site plan review.³² Cambridge, MA Zoning Ordinance Article 22 requires a Net Zero narrative,³³ including a solar-ready roof assessment, and the City plans to introduce a rooftop solar requirement via its Net Zero Action Plan Update.³⁴ The City of Somerville’s Design Review required by Article 15 of its Zoning Ordinance includes a sustainable and resilient buildings questionnaire through which applicants must attest to sustainability features on the proposed building’s rooftop.³⁵ Boston’s Article 37 requires that projects undergoing Large Project Review submit a Carbon Neutral Building Assessment and “maximize the potential for onsite solar PV systems.”³⁶ Lexington, MA’s Integrated Building Design & Construction Policy requires that Town-funded building projects maximize onsite renewable energy production.³⁷ Wellesley, MA’s Municipal Sustainable Building Guidelines require that developers on Town property explore solar-ready roofs and solar installations when replacing the roof of an existing building.³⁸

Amend SECTION 2 by creating category “Definitions Associated with Solar Energy Systems”.³⁹

Photovoltaic System (also referred to as Photovoltaic Installation): A solar energy system that converts solar energy directly into electricity.

Roof-Mounted Solar Photovoltaic System: A solar photovoltaic system that is structurally mounted to the roof of a building or structure.

Solar Energy System: A device or structural design feature, a substantial purpose of which is to provide for the collection, storage, and distribution of solar energy for space heating or cooling, electricity generation, or water heating.

³⁰ Massachusetts Executive Office of Energy and Environmental Affairs, *Model Zoning for the Regulation of Solar Energy System*, 2014, <https://www.mass.gov/files/documents/2016/08/nc/model-solar-zoning.pdf>

³¹ City of Watertown, *Watertown, MA Zoning Code*, <https://ecode360.com/37103470#37103470>

³² City of Medford, *Revised Ordinances of Medford, MA*,

https://library.municode.com/ma/medford/codes/code_of_ordinances?nodeId=PTIIREOR_CH10BUBURE_ARTVISOENSY_S10-105DE

³³ City of Cambridge, *Green Building Requirements Net Zero Narrative*, 2021, https://www.cambridgema.gov/-/media/Files/CDD/ZoningDevel/GreenBuildings/netzero2021update/netzeronarrativetemplate_final.pdf

³⁴ City of Cambridge, *Cambridge Net Zero Action Plan 2021 Update*, 2021 <https://www.cambridgema.gov/-/media/Files/CDD/Climate/NetZero/2021planupdate/netzeroactionplan5yearupdate/report.pdf>

³⁵ City of Somerville, *Sustainable and Resilient Buildings Questionnaire*, 2019, <https://www.somervillema.gov/sites/default/files/somerville-sustainable-and-resilient-buildings-questionnaire.docx>

³⁶ City of Boston, *Boston Zoning Article 37 - Inter Agency Green Building Committee Zero Carbon Building Assessment*, <http://www.bostonplans.org/getattachment/f0841692-8267-45f8-a652-6ab00f029b2c>

³⁷ Town of Lexington, *Integrated Building Design & Construction Policy*, 2019, <https://records.lexingtonma.gov/WebLink/0/doc/489144/Page2.aspx>

³⁸ Town of Wellesley, *Municipal Sustainable Building Guidelines*, 2020, <https://wellesleyma.gov/DocumentCenter/View/17002/2020520-MSBG-Ver27>

³⁹ Highlighted text indicates changes from the 2022 Annual Town Meeting Draft Zoning Bylaw Amendments published on February 17, 2022.

Solar Ready Building: A building able to carry the installation of a solar energy system on a designated section of the structure following its construction.

Solar Ready Zone: Fifty percent or more of a roof area that is either flat or oriented between 110 and 270 degrees of true north, exclusive of mandatory access or setbacks required by the Massachusetts Fire Code.

Solar Thermal System: A solar energy system that uses collectors to convert the sun's rays into useful forms of energy for water heating, space heating, or space cooling.

Amend SECTION 6:

6.4 Solar Energy Systems

6.4.1. Requirement for Solar Energy Systems

A project requiring Environmental Design Review per Section 3.4.2 of this Bylaw shall include a solar energy system that is equivalent to at least fifty percent of the roof area of the building or buildings that are the subject of the review. The Redevelopment Board may require a smaller percentage of the roof area to include a solar energy system when at least fifty percent of the roof area is not viable for a solar energy system.⁴⁰ Where a site includes a parking structure, the structure shall also have a solar energy system that covers at least ninety percent of its top level.

The Arlington Redevelopment Board may adopt rules and regulations to specify the information required to be in an application for Environmental Design Review to implement Section 6.4 of this Bylaw.⁴¹

6.4.2. Exemptions

A solar energy system on the roof of a building or other structure is not required:

- A. Where there is no solar ready zone or the solar ready zone is shaded for more than fifty percent of daylight hours annually;
- B. For an existing building or building conversion with insufficient structural load capacity;
- C. For a building in a Historic District when the relevant Historic District Commission has denied a certificate of appropriateness, non-applicability, or hardship to allow a solar energy system on the building under the standards and procedures set forth in the Town Bylaws Title VII, Historic Districts;
- D. When an application for an Environmental Design Review is for
 - (1) A change of use alone;
 - (2) An alteration to the façade that does not affect the architectural integrity of the structure per Section 3.4.2 of this Bylaw;
 - (3) Outdoor uses per Section 3.4.2(H) of this Bylaw;
 - (4) Temporary, seasonal signage per Section 3.4.2(I) of this Bylaw; or
 - (5) Sign approval per Section 6.2 of this Bylaw.
- E. When inconsistent with reasonable regulation of religious, non-profit educational, and childcare facilities used primarily for such purposes as set forth in G.L. c. 40A, §3, as implemented by section 3.5 of this Bylaw and the regulations adopted thereunder.

The requirements of this Section may be reduced or waived when the applicant proposes, and the Arlington Redevelopment Board determines there is a better alternative that meets the goals of this Section 6.4.

⁴⁰ This sentence has been added since publication of the February 17, 2022 Zoning Amendments guide.

⁴¹ This Section has been updated since publication of the February 17, 2022 Zoning Amendments guide.

6.4.3. Location and Safety

- A. Emergency Access. Solar energy systems shall be mounted to ensure emergency access to the roof, provide pathways to specific areas of the roof, provide for smoke ventilation systems, and provide emergency egress from the roof, as required by the Massachusetts Fire Code.
- B. Safety. A roof-mounted solar energy system shall be located so that it does not result in shedding of ice or snow from the roof onto a porch, balcony, stairwell, or pedestrian travel area.
- C. Solar Energy Systems shall not be counted in determining the height and gross floor area of buildings.

Proposal: Allow Two Families Everywhere

- **79%** of Arlington's residential land is reserved exclusively for single family homes – nothing else can be built
- We propose allowing two-families to be built by right in these areas; no other changes to lot size, frontage, height, setbacks, or open space requirements
- **Two key reasons:**
 1. Improving environmental sustainability
 2. Increasing housing choice

Advantages

Two Family Zoning is Better for the Environment

- Smaller homes in shared structures have a lower carbon footprint per person than an equivalent single-family homes. Same land area houses twice as many households.
- More housing in Arlington means living closer to employment centers, public transportation, and existing infrastructure. Less driving means lower carbon emissions and less traffic congestion in the region.

Two Family Zoning Increases Housing Choices

- 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. We need more (and more diverse) housing choices

Two Family Zoning Improves Affordability

- When a home gets torn down do we want it replaced with a big single family, or do we want the option of two smaller units?
- Replacing a single family with a two family doubles the housing stock (and increases the tax revenue); the impacts are spread out across Town.

2006824

Doesn't change the neighborhood

Not bigger than a single family

- Because the dimensional regulations don't change, the housing is similar in appearance to others in the neighborhood.
- Non-conforming lot restrictions remain the same—cannot increase the building size without ZBA review.

There are already 2 families in R0 and R1 districts

- These homes already fit in their neighborhoods.

Any Change is Going to Be Gradual

- We have had 27 teardowns a year on average over the last 10 years. Even if this regulation doubled that pace to 54 per year, that is still small relative to the 20K+ homes in Town.

In Conclusion

It's a simple change that could have a meaningful impact.

It increases housing choices, and encourages sustainable development with minimal change to the neighborhood.

Bonus: A Tour of Arlington's Illegal Neighborhoods

(Two Family Homes are Already Here)

Summer St.



163-165, 159-161 Summer St.
Two family homes



463-465, 459-461 Summer St.
Two family homes

Westminster Ave



58-58 Westminster Ave (Gray House)
Two-family tucked in between several single-family

Park Ave



172-174 Park Ave (two family)
176 Park Ave (condominums)



176 Park Ave (condominums)
Single family (conforming) house on right

Hillside Ave

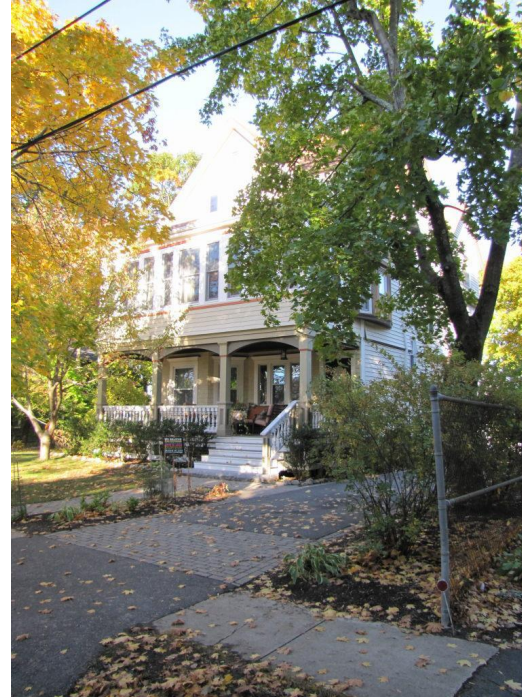


49-51, 45 Hillside Ave
Each has a pair of condominiums

Wachusett Ave



13-15 Wachusett Ave
Condominiums



12 Wachusett Ave
Two-family

Newport St.



13-15 Newport St (Condominiums)
11 Newport St. (two-family)



11, 5-7 Newport St.
Two-family, condominiums

Mt. Vernon St.



62-64 Mt. Vernon (condominums)
66-68 Mt. Vernon (two-family)



72 Mt. Vernon St.
Three condominiums

Irving St.



9 Irving St.
Two condominiums

Jason St.



37-39 Jason St.
Two-family



30-32 Jason St.
Two-family

Pleasant St



141-143, 137-139 Pleasant St.
Condominiums

Thank you!

(Prepared by Ben Rudick and Steve Revilak)



Town of Arlington, Massachusetts

Draft ARB Meeting Schedule May through December 2022

Summary:

9:30 p.m. • Board members will review and discuss draft meeting schedule through December 2022.

ATTACHMENTS:

Type	File Name	Description
Reference Material	Agenda_Item_2_-_Draft_Meeting_Schedule_May_through_Dec_2022.pdf	Draft Meeting Schedule May through Dec 2022



ARLINGTON REDEVELOPMENT BOARD

TOWN HALL ARLINGTON, MASSACHUSETTS 02476

TELEPHONE 781-316-3090

May – December 2022 Meeting Schedule

In general, the ARB meets on the 1st and 3rd Monday at 7:30 p.m. of every month. Monday holidays or other events may cause this schedule to change. If there are no pressing agenda items, meetings may be cancelled.

May 2 (Town Meeting)

May 16 (Town Meeting may be in session)

May 23

April 7

June 6

June 20

August 1

August 15

September 12

September 26

October 3

October 17

November 7

November 21

December 5

December 19

From: Mara Klein Collins <kleincollins@me.com>
Date: April 3, 2022 at 5:59:51 PM EDT
To: Jenny Raitt <JRaitt@town.arlington.ma.us>
Subject: **TMM Opposes articles 38 and 40**

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Dear Jenny,

I am concerned about proposed zoning changes especially Articles 38 and 40 as these changes in zoning seem to be detrimental to housing in Arlington.

Frankly I wish new TMM were provided a zoning 101 briefing on zoning matters before Town Meeting when I was elected two years ago as I'd feel better informed. I am attending the Zoning Demystified Zoom on Tuesday.

Article 40 especially concerns me as it changes zoning from strictly residential to mixed use and can occur in largely residential areas changing our neighborhoods.

Thank you,
Mara

From: Cheryl Marceau <cheryl.a.marceau@gmail.com>
To: EBenson@town.arlington.ma.us, KLa@town.arlington.ma.us, mtintocalis@town.arlington.ma.us, srevilak@town.arlington.ma.us, rzseberry@town.arlington.ma.us
Date: Sun, 3 Apr 2022 17:56:55 -0400
Subject: Proposed Changes to Zoning Regulations

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To the Committee:

I am deeply concerned about the proposed changes to the town zoning regulations. I live in East Arlington, already a dense neighborhood, and these changes have the potential to make my neighborhood untenable for residents, for small businesses, and for the environment.

Article 38 would allow the possibility of a significant increase in the number of housing units in this town without in any way accounting for the increase in services required or the traffic generated. It is already nearly impossible to navigate past the high school in the afternoon due to traffic, and as I'm sure you know, Lake Street can be a parking lot at rush hours. The schools are built out to capacity and we will be paying exorbitant property tax burdens for several more years to finance the high school. There is nowhere to build a new school and no money to renovate those that we have. Moreover, our water and sewer infrastructure is taxed to its limits. We may once have had a higher population here, serviced by the same water and sewer system, but that infrastructure was many decades younger than it is now and much leakier.

Article 39 would kill our struggling business districts, especially in East Arlington. A large housing structure with one or two nominal and small commercial spaces may fit the legal definition of mixed use, but it hardly fits the spirit of that term. True mixed use would be all commercial on the ground floor with some residential use above it.

True mixed use would not look like the (thankfully withdrawn) proposal that was considered for the corner of Mass Ave and Lake Street.

Article 41 would reduce the number of parking spaces required for residential buildings. This is pure insanity. The tenants of many apartments in East Arlington are already very concerned about the lack of parking in their buildings.

I commuted for many years from East Arlington out to Route 128, and I can tell you that many people here in town do not take the T and work in Boston or Cambridge. Many drive to jobs on 128, 495, and elsewhere. Many could not bike even if they wanted to, and many can't take the T because the bus routes do not get them where they need to go.

Unlike inner cities, people in Arlington actually need to drive, and there are no good alternatives near most of us – increasingly expensive ride share options, limited and expensive taxi service, no good car sharing options, poor T service. People need their cars, including seniors, including all 4 adults living in my building. If parking is not required, people will park on the street, which will have other negative impacts in particular on local businesses.

Just ask the owners of Fast Phil's about their business now that parking is no longer available nearby.

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I would like my comments entered into the record prior to tomorrow evening's hearing.

Regards,
Cheryl Marceau
10 Cleveland St.

From: Gillian Sinnott <gmsinnott@gmail.com>
Date: April 3, 2022 at 9:45:34 PM EDT
To: Jenny Raitt <JRaitt@town.arlington.ma.us>
Subject: support for warrant article 38

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Dear Jennifer,

I hope it's not too late for me to write in support of warrant article 38 (proposed by Annie LaCourt).

Allowing two-family homes by right in the R0 and R1 areas would further the goal of greater diversity in Arlington to provide "missing middle" housing that is sorely missing in the Greater Boston Area. This is only one part of solving the housing crisis, but it's an essential part.

In addition, article 38 promotes important environmental goals. Allowing greater density in Arlington would help to prevent suburban sprawl and would allow more people to live in a walkable town that is well served by transit. Multi-family housing is also more energy-efficient than single-families.

I understand that there are concerns about the impact of zoning changes on the town's appearance and character. However, many streets in the R1 areas of town already have a mix of single-family and two-family homes -- in the Heights area (where I live), it is sometimes difficult to tell which is which without examining the building closely. Moreover, even without two-family zoning, the town is changing as a result of small houses in the R0 and R1 districts being torn down and replaced with very large, environmentally unsustainable houses that sell for significantly over \$1,000,000. Finally, experience in other towns and cities that have liberalized their zoning laws suggests that upzoning the single-family districts would not result in overnight transformation of the town, particularly since Article 38 does not propose changing other aspects of the zoning by-laws, such as minimum lot sizes or minimum setbacks.

Article 38 is a moderate proposal that won't, on its own, solve climate change or the housing crisis in the Boston area, but it will help Arlington to play a role in addressing these enormous problems.

Thank you for considering my views.

Best regards,

Gillian

210 of 224

| (Gillian Sinnott, 256 Appleton Street)

From: Joseph Barr <jobar@alum.mit.edu>
To: Jenny Raitt <JRaitt@town.arlington.ma.us>
Cc: Kelly Lynema <KLynema@town.arlington.ma.us>, Charles Kalauskas <charles.kalauskas@gmail.com>
Date: Mon, 4 Apr 2022 16:02:33 -0400
Subject: Master Plan Implementation Committee-Comments to ARB on Zoning Warrants Articles

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Jenny,

On behalf of the Master Plan Implementation Committee, I am pleased to submit this comment to the Arlington Redevelopment Board:

The Master Plan Implementation Committee met on February 17, 2022 to review and discuss several of the proposed town meeting articles pertaining to amendments to the Town's Zoning Bylaw. After a presentation and discussion of several articles, the Committee voted to support Article 28 on Enhanced Business Districts, Article 29 on Street Trees, and Article 41 on Apartment Parking Minimums. After discussing Article 38 on Two Family Construction Allowed By Right in R0 and R1 Residential Zones, the Committee voted to take No Action on this article.

Thank you very much.

Joe Barr
Co-Chair, Master Plan Implementation Committee

From: Eileen Cahill <eileentighecahill@gmail.com>
To: MMuszynski@town.arlington.ma.us, ebenson@town.arlington.ma.us, klau@town.arlington.ma.us, mtintocalis@town.arlington.ma.us, rzsembery@town.arlington.ma.us
Cc: charlie.foskett@foskettco.com, pubworks@town.arlington.ma.us
Date: Mon, 4 Apr 2022 11:35:15 -0400
Subject: Article 38 - Please oppose it tonight.

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Please include this email and attachment in the public record.

Mary and ARB Members,
Please see attached pdf with the letter I wrote last week to the Select Board with my concerns about the Housing Plan, specifically changes to zoning. This letter applies to my concern with Town Meeting Article 38 (even though it was written for the Housing Plan).

There has been no study done on how the zoning change proposed in Article 38 will impact the town's sewer, water, roads, traffic. This is irresponsible to the Town's citizens and town finances.

Please do not approve Town Meeting Article 38.

Please contact me with any questions.

Thank you,
Eileen Cahill

Please include this email in the public record regarding comment on the proposed Housing Plan (Item 4 on Select Board meeting for March 30, 2022). Thank you.

March 30, 2022

Dear members of the Arlington Select Board,

I am writing to you as a concerned Arlington resident and professional civil engineer. I urge you to reject the Housing Plan that is being presented to you tonight as Item 4 on the Select Board meeting agenda. The Housing Plan does not consider the significant impacts its proposed strategies will have on the Town's infrastructure that is critical to human health.

The Housing Plan that is being presented to you tonight proposes to eliminate R0 and R1 zoning and to allow three-family dwellings in R2, R3 and R4 as of right. Page 76 of the Housing Plan presents the following two strategies italicized in the text below.

STRATEGIES:

- *Allow two-family and duplex homes in the R0 and R1 zoning districts as of right. Providing for two-family dwellings in all neighborhoods would help Arlington increase its supply of homes for families with a housing type that has traditionally been part of the Town's residential landscape. It would also introduce a modest "missing middle" effort that is compatible with detached single-family homes.⁶² Limiting a house lot to only one dwelling unit is a significant contributor to the constraints on housing supply and housing choice in Arlington today. That regulatory constraint controls the housing opportunities available on over 60 percent of the Town's land. In the R0 and R1 districts, the Town could consider obtaining an additional public benefit from an increase in supply by requiring one of the units in a two-family dwelling to be an affordable unit – either Chapter 40B-eligible or affordable for a somewhat higher income group, e.g., 100 percent of Area Median Income (AMI). Whether requiring an affordable housing deed restriction would discourage two-family development should be studied, however.*
- *Update the regulations of the R2, R3, and R4 districts to allow three-family dwellings and townhomes as of right. Arlington has districts that ostensibly allow these kinds of small multifamily buildings, but the uses require a special permit and the dimensional and parking regulations effectively disallow what the districts were created to provide.*

This dramatic change to the Town's zoning should not be proposed or considered without careful study and coordination of the Town's existing infrastructure, including the Town's water system master plan, sewer system master plan, stormwater and roadway assessments.

The only information in the Housing Plan regarding the Town's water and sewer is given in two paragraphs on page 47 (Public Infrastructure & Facilities, Water & Sewer), copied in the following italicized text.

Public Infrastructure & Facilities

WATER & SEWER

- *Arlington is one of sixty-one communities using the Massachusetts Water Resources Authority (MWRA) for water and sewer services. The Town's Water and Sewer Department performs maintenance and many of the infrastructure improvements in the Town in addition to responding to emergency calls related to water, sewer, and drainage systems. Arlington purchases all its water directly from the MWRA and delivers through five MWRA master meters into the Town's distribution system. The distribution system includes approximately 130 miles of water mains ranging from six to twenty inches in diameter, with approximately 1,400 hydrants.⁴⁶ Per MWRA's 2020 Consumer Confidence Report for Arlington, local water meets all federal standards for clean drinking water⁴⁷.*
- *The MWRA has replaced aging pipes and installed new water mains in priority locations to improve the capacity of Arlington's distribution system. In September 2021, MWRA is scheduled to begin renovating a 10-mile section of water supply main, part of which runs through the middle of Arlington along Mystic Valley Parkway, Palmer Street, and Pleasant Street. This project is designed to improve water access for approximately 250,000 customers in Arlington, Waltham, Watertown, Belmont, Lexington, Bedford, Somerville, and Medford.*

This section is titled "Water & Sewer," but there is no information given for the Town's sewer system. **Wastewater treatment is essential to human health.** There is very little information given for the Town's water system. Clean drinking water is also essential to human health.

Sewer pipes are sized based on the number of lots and the zoning for the location of the sewer. The size of the sewer pipe is the pipe's capacity. Sewer pumping stations (wet wells to hold the raw wastewater) are also sized based on projected flow to pumping station. Engineers count the number of lots and assign an estimated wastewater flow per lot, based on the zoning. **The zoning is the basis of the design because it gives the engineer the information on how the land will be used.** It is irresponsible to the health of Arlington residents to change the zoning of the town without performing a technical assessment of its sewer system to determine if the sewer system has the capacity to handle increased flows.

Aged Sewer System

Arlington's sewer system is old. Much of its original pipes are clay. Clay material is susceptible to breaks when the road is disrupted by construction of other utilities (gas or water repair, etc). Roots grow into the cracks. Sewer pipes also break over time. The corrosiveness of sulfides generated from wastewater deteriorates sewer infrastructure especially long force mains and manholes that receive flow from sewer force mains. Once the sewage that has been contained without oxygen in the force main is discharged to a sewer manhole, the sulfates in the wastewater reacts with the oxygen and creates sulfides that deteriorate the concrete.

One of the arguments I have heard in defense of this Housing Plan not looking at the sewer capacity is the Town's current population is about 10,000 persons less than historical population. The thinking is that therefore the Town's sewer system can handle additional flow. This thinking is irresponsible. It does not consider the original design of the system, peak flows, and does not consider the aged infrastructure.

For example, a street downstream of 300 houses likely has an 8-inch sewer. An 8-inch sewer has a capacity of about 400 gpm (capacity could decrease or increase based on pipe material and slope).

- 300 houses at 3 bedrooms per house (900 bedrooms) and 110 gallons per day (gpd) per bedroom would be an average wastewater flow of 99,000 gpd or 69 gallons per minute (gpm).
- Peaking factor of 5. A peaking factor is to account for the busiest times sewer is being used (everyone flushing and taking showers in the morning, etc). Peaking factors are determined with engineering judgment based on flow and use. Say, peak flow for this neighborhood is 345 gpm. This neighborhood would likely have been sized with an 8-inch sewer.
- Let's say 50 houses in this neighborhood convert to 2-family houses. So, now the flow is 250 houses at 3 bedrooms per house and 50 houses at 6 bedrooms per house (1,050 bedrooms). The average flow is now 115,500 gpd or 80 gpm. Peak flow is now 400 gpm. **This puts the sewer at capacity, without even adding in flow from infiltration and inflow which would be significant with aged pipe. This creates a health hazard, especially during a rain storm and even more when groundwater is high in the spring.**

This "back of a napkin" scenario written about is just one possible simple situation. This is the reality of changing the Town's zoning without any consideration to the Town's infrastructure.

Infiltration and Inflow

Sewer systems have problems with clean water going into sewer pipes by infiltration and inflow. Infiltration is groundwater seeping into the sewer through cracks in the sewer main or house sewer service. Inflow is direct clean water going into the sewer pipe through combined sewer and storm drains or basement sump pumps.

An argument (in support of eliminating single family zoning) was given that the Town performs infiltration and inflow removal, and therefore, it will have capacity to handle additional wastewater flow from the proposed zoning change. Again, this is not responsible thinking.

The Town spends millions of dollars to remove infiltration and inflow. These projects are successful at reducing infiltration to an aged sewer main. However, the Town does not maintain private sewer services. Therefore, these sewer mains that have been lined are still receiving infiltration from aged sewer services that have not been lined. Additionally, there are likely thousands of feet sewer main in Town that is recommended to be rehabilitated to reduce infiltration.

Trouble Spots

The Town's Sewer Department has a list of about thirty "trouble spots." This is a testament to the hard work the people who work in the sewer department do for our Town to keep our streets and basements from flooding with raw sewage. **It is also a strong indication that our sewer system does not have capacity to take on unknown, variable new flows without significant infrastructure assessment and investment.** Many of these trouble spots are in single family zones.

Aged Drinking Water System

A similar "back of the napkin" scenario that was done for sewer could be done for the Town's drinking water system. Does the Town have sufficient fire flows at all its hydrants? Will it have sufficient fire flow availability with proposed zoning changes?

Roadways and Traffic Capacity

Finally, a similar scenario could be done for the Town's roads and traffic capacity. I have heard an argument in defense of the Housing Plan stating that the people who move into a 2-family in Arlington will not have cars. I do not know on what this concept is based. It is irresponsible to not look at impacts to roadways and traffic.

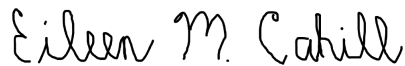
Financial Implications

The Town should not change its zoning as proposed in the Housing Plan without doing an assessment of the money that will be needed to upgrade infrastructure to accommodate the zoning changes.

Dr. Edward H. Kass, a founding member and first president of the Infectious Diseases Society of America and founding editor of the *Journal of Infectious Disease,s* recognized that sewage treatment plants, railroads, roads, and highways for transporting food, electric refrigerators, and chlorinated water are critical to public health. These are all fairly recent advancements in human history to human health and have been critical to lowering mortality rates from infectious disease.

We have an obligation to human health to manage our infrastructure responsibly. **Changing the Town's zoning as proposed as a strategy in this Housing Plan with no understanding of the impacts this will have on our Town's infrastructure does not manage our infrastructure responsibly. I am respectfully asking you to reject this Housing Plan.**

Sincerely,

A handwritten signature in cursive script that reads "Eileen M. Cahill".

Eileen M. Cahill

From: Eileen Cahill <eileentighecahill@gmail.com>
To: MMuszynski@town.arlington.ma.us, ebenson@town.arlington.ma.us, klau@town.arlington.ma.us, mtintocalis@town.arlington.ma.us, rzsebery@town.arlington.ma.us
Cc: Adam Chapdelaine <achapdelaine@town.arlington.ma.us>, charlie.foskett@foskettco.com, pubworks@town.arlington.ma.us
Date: Mon, 4 Apr 2022 13:03:16 -0400
Subject: Re: Article 38 - Please oppose it tonight.)

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Hello again,

I would like to add that only considering Infiltration and inflow (I/I) to the town's sewer system and not taking the time to think about how much wastewater will be added to the town's sewer system is not a standard engineering practice. Wastewater flow should be projected based on the proposed zoning changes. It should not be assumed that additional wastewater flow will be negligible with respect to I/I.

This was the response given by the Town Manager during the Selectmen's meeting last Wednesday night. It does not make sense. I/I adds clean water to every sewer system. Infiltration through groundwater seeping into breaks in the sewer main and sewer services. Inflow through basement sump pumps, and combined storm drain with sewer. High I/I is common with aged sewer infrastructure. The town spends millions to try to remove I/I from its sewer system so we don't send clean water to Deer Island WWTP and so we don't overburden our sewers.

Thank you,
Eileen Cahill

On Mon, Apr 4, 2022 at 11:35 AM Eileen Cahill <eileentighecahill@gmail.com> wrote:
Please include this email and attachment in the public record.

Mary and ARB Members,
Please see attached pdf with the letter I wrote last week to the Select Board with my concerns about the Housing Plan, specifically changes to zoning. This letter applies to my concern with Town Meeting Article 38 (even though it was written for the Housing Plan).

There has been no study done on how the zoning change proposed in Article 38 will impact the town's sewer, water, roads, traffic. This is irresponsible to the Town's citizens and town finances.

Please do not approve Town Meeting Article 38.

Please contact me with any questions.

Thank you,
Eileen Cahill

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I |

From: Lynne Eisenberg <lynneisenberg@outlook.com>
To: "EBenson@town.arlington.ma.us" <EBenson@town.arlington.ma.us>, "KLau@town.arlington.ma.us" <KLau@town.arlington.ma.us>, "sreivilak@town.arlington.ma.us" <sreivilak@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, 4 Apr 2022 14:37:17 +0000
Subject: Supporting Article 38

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Dear Arlington Redevelopment Board:

I am writing to express my support for the passage of the Zoning Amendment, Article #38.

Article #38 is a Zoning Amendment to support Two-Family Construction in R0 and R1 Residential Zones. I am writing to express my support for this amendment, as it would allow construction of 2-family homes that could supplement our supply of housing, now devoted to just single-family homes. This could expand the supply of homes/units for middle-income families in our town, expand our tax base and encourage the health of our community/neighborhoods.

I hope that you will support this Amendment along with the Town Meeting Assembly which gathers on April 25th.

Lynne Eisenberg
52 School Street
Arlington 02476

From: JANET GOTTLE <jgottler@msn.com>
To: "EBenson@town.arlington.ma.us" <EBenson@town.arlington.ma.us>, "KLau@town.arlington.ma.us" <KLau@town.arlington.ma.us>, "sreivilak@town.arlington.ma.us" <sreivilak@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, 4 Apr 2022 12:54:09 +0000
Subject: Supporting Article #38 in Arlington to Allow Two-Family Construction

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To the Arlington Redevelopment Board:

I am writing to express my support for the passage of the Zoning Amendment, Article #38.

Article #38 is a Zoning Amendment to support Two-Family Construction in R0 and R1 Residential Zones. I am writing to express my support for this amendment, as it would allow construction of 2-family homes that could supplement our supply of housing, now devoted to just single-family homes. This could expand the supply of homes/units for middle-income families in our town, expand our tax base and encourage the health of our community/neighborhoods, and expand our tax base as well.

I have written to the Select Board asking that they support this Amendment along with the Town Meeting Assembly which gathers on April 25th.

Janet Gottler
21 Jean Road
Arlington, MA 02474

From: rachel roth <rachel.roth@earthlink.net>
To: EBenson@town.arlington.ma.us, KLau@town.arlington.ma.us, srevilak@town.arlington.ma.us, mtintocalis@town.arlington.ma.us, rzsembery@town.arlington.ma.us
Cc: acarter@town.arlington.ma.us, jraitt@town.arlington.ma.us
Date: Mon, 04 Apr 2022 19:25:31 +0000
Subject: Please vote No on Article 39 Zoning Bylaw Amendment

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CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.
April 4, 2022

Dear Members of the Redevelopment Board,

We write to express our opposition to Article 39, which would dramatically increase the allowable floor area ratio from 1.5 to 4.

As we watched the presentation, we couldn't help but notice that the examples of "lovely mixed-use buildings" that "couldn't be built today" have a floor area ratio of 2.2 – 2.6.

The examples did not accurately represent the much bigger buildings the Article would allow. We also noticed that the image of the proposed development at 190-200 Mass Ave was of the second, somewhat smaller concept – not the initial five-story proposal.

The examples create a false impression of what development could look like if the Article becomes part of the zoning bylaws.

Mass Ave has a mix of one-story and tall buildings. We understand that some of the tallest buildings were built under a previous zoning system in the 1970's. We note that many of the taller apartment buildings differ from the taller structures being debated and sometimes constructed today, because they are typically set back from the street and have some green space facing the street.

A key issue in the debate over development is the meaning and purpose of "mixed-use" buildings. Both the proposed development of 190-200 Mass Ave (aka the Flora block) and the building that recently went up near the high school are primarily residential structures with one business on the ground floor. In the case of the 190-200 Mass Ave proposal, the development would result in a significant loss of business space in the heart of a business district, both in terms of square feet and in terms of the number of shops.

Like one of the speakers at the recent Board meeting, we also appreciate "fun shops and street life." The track record so far does not get us closer to that vision.

For all these reasons, we urge continued discussion of what "mixed-use" development can bring to our neighborhoods and we urge a "No" vote on Article 39, with a recommendation of "no action" for Town Meeting.

Sincerely,

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Peter Ferguson and Rachel Roth
Chandler St.
Arlington MA 02474