



## **Town of Arlington, MA Redevelopment Board**

### **Agenda & Meeting Notice April 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](mailto:jraitt@town.arlington.ma.us) by April 7, 2022 at 4:00 p.m.

The Arlington Redevelopment Board will meet Thursday, April 7, 2022 at 7:30 PM in the  
**Join this Zoom Meeting with audio and video by connecting using this link: <https://town-arlington-ma-us.zoom.us/j/83800493860>, Meeting ID: 838 0049 3860, or by calling (646) 876-9923 Meeting ID 83800493860, followed by #.**

#### **1. Finalize Report to 2022 Annual Town Meeting**

7:30 p.m. Board will discuss draft report and vote to approve and submit to Town Meeting

#### **2. Warrant Article Public Hearings for 2022 Special Town Meeting**

9:00 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 A (tentatively scheduled, subject to change) ZONING BYLAW AMENDMENT/ FAMILY CHILD CARE**

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

**(Inserted at the request of the Redevelopment Board)**

##### **ARTICLE B (tentatively scheduled, subject to change) ZONING BYLAW AMENDMENT/ SIGNS**

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

**(Inserted at the request of the Redevelopment Board)**

**ARTICLE C (tentatively scheduled, subject to change)**  
**ZONING BYLAW AMENDMENT/NONCONFORMING SINGLE-FAMILY  
OR TWO-FAMILY DWELLINGS**  
To see if the Town will vote to amend the Zoning Bylaw to update Section 8.1.3  
Nonconforming Single-Family or Two-Family Dwellings to modify or remove  
Section 8.1.3 C; or take any action related thereto.  
**(Inserted at the request of the Redevelopment Board)**

**3. Open Forum**

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

**4. Adjourn**

10:20 p.m. Estimated time for adjournment

**5. Correspondence Received**

Correspondence received from:  
E. Cahill 4/4/2022  
J. Cullinane 4/4/2022  
L. Leahy 4/4/2022  
L. Vivenzio 4/4/2022  
B. Whittle 4/4/2022



## Town of Arlington, Massachusetts

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### Finalize Report to 2022 Annual Town Meeting

#### Summary:

7:30 p.m. Board will discuss draft report and vote to approve and submit to Town Meeting

#### ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	Draft_Report_to_2022_ATM.pdf	Draft Report to 2022 ATM



## **Town of Arlington**

### **ARLINGTON REDEVELOPMENT BOARD Report to 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 April \_\_\_\_, 2022

## **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

Director of the Department of Planning and Community Development

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In 2021, David Watson, the Board's Gubernatorial Designee, ended his second term and Stephen Revilak was appointed the Gubernatorial Designee by Governor Baker via the Massachusetts Department of Housing and Community Development. Katherine Levine-Einstein ended her term and Melisa Tintocalis was appointed to the Board by the Select Board.

Thank you to Kelly Lynema, AICP, Assistant Director, for her assistance co-writing this report and background research and analysis for staff reports. Thank you also to Department of Planning and Community Development team members for providing additional background research assistance: Talia Fox, AICP, Sustainability Manager, Daniel Amstutz, AICP, Senior Transportation Planner, and David Morgan, Environmental Planner and Conservation Agent.

## **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 4, 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 (With link to ACMI Recording)	Recommendation to Town Meeting
Article 28	<a href="#">March 7, 2022</a>	Action
Article 29	<a href="#">March 7, 2022</a>	Action
Article 30	<a href="#">March 7, 2022</a>	Action
Article 31	<a href="#">March 14, 2022</a>	Action
Article 32	<a href="#">March 28, 2022</a>	Action
Article 33	<a href="#">March 28, 2022</a>	Action
Article 34	<a href="#">March 21, 2022</a>	Action
Article 35	<a href="#">March 21, 2022</a>	Action
Article 36	<a href="#">March 21, 2022</a>	Action
Article 37	<a href="#">March 28, 2022</a>	Action
Article 38	<a href="#">March 7, 2022</a>	Action
Article 39	<a href="#">March 21, 2022</a>	Action
Article 40	<a href="#">March 14, 2022</a>	No Action
Article 41	<a href="#">March 14, 2022</a>	Action
Article 42	<a href="#">March 14, 2022</a>	Action
Article 43	<a href="#">March 14, 2022</a>	Action
Article 44	<a href="#">March 14, 2022</a>	Action
Article 45	<a href="#">March 21, 2022</a>	No Action



## **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:**

This amendment aligns with the Master Plan, which indicates that the Zoning Bylaw should be revised to support desired and appropriate building placement, form, scale, density, and mix of uses. The purpose of this amendment is to encourage pedestrian activity, maintain an active street, and to encourage the development of active ground floor uses. In many special permit reviews, the ARB deliberates on strategies that would encourage applicants to activate the public realm and reduce the area of ground floor space dedicated to inactive uses. As commercial properties are redeveloped, this amendment will encourage applicants to create more attractive spaces.

Many regional and national organizations recommend ground floor activation. For example, the Congress for New Urbanism notes that blank walls greater than 30 feet in length are detrimental to the vibrancy of main streets and downtowns<sup>1</sup>. Regarding limiting the size and improving the visibility of lobbies, this amendment reflects standards from other Boston-region municipalities with mixed-use development. This 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 special permit applicants. Properties located in the Business Zoning Districts (B1, B2, B2A, B3, B4, and B5) undergoing redevelopment, expansion, or new construction would need to comply with these requirements.

**ARB Vote and Recommendation to Town Meeting:** The Redevelopment Board voted 5-0-0) to recommend Action on Article 28. That the Zoning Bylaw be and hereby is amended as follows:

#### **Amend SECTION 5.5.2:**

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#### **Add section 5.5.2(B)**

#### **5.5.2(B) Development Standards for Business Districts**

- (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. The Redevelopment Board may consider the purposes of this Section in determining whether to grant a Special Permit through Section 3.4.

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<sup>1</sup> CNU, "A Handbook for Improved Neighborhoods", 2020-2021, available at <https://www.cnu.org/sites/default/files/AARP-CNU-Enabling-Better-Places-12220si.pdf>

## Zoning Bylaw Amendments: Enhanced Business Districts

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

- (2) Applicability. In the Business Districts, applications 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. This Section is not applicable to requests for sign approvals.
- (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, including making reasonable exemptions from the standards.
- (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.
- 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.

## **Zoning Bylaw Amendments: Enhanced Business Districts**

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:**

This amendment aligns with the Master Plan, which 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 trees<sup>2</sup>. It also coordinates tree care between the Town and property owners.

The ARB supports this amendment's stated purpose to: provide adequate shade tree coverage along Arlington's main corridors; implement carbon neutral policies and mitigation goals of the Town of Arlington; reduce heat island effects emanating from Arlington's main corridors; and enhance public health and walkability with proper shading. This amendment provides a nature-based solution to mitigate the impacts of the built environment. During the public hearing, members of the public raised the issue of the Town's ability to take care of public shade trees. Board members emphasized the Town's progress in this effort, through hiring a full-time Tree Warden and dedicating time, resources, and funding to planting and maintaining public shade trees.

**ARB Vote and Recommendation to Town Meeting:** The Redevelopment Board voted 5-0-0) to recommend Action on Article 29. That the Zoning Bylaw be and hereby is amended as follows:

#### **Amend Section 2:**

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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:**

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### **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;

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<sup>2</sup> Arlington Master Plan: Your Town, Your Future (2015), pg. 191.

## **Zoning Bylaw Amendments: Enhanced Business Districts**

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

- 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 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.
- 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 for a period of no less than 36 months from the date of planting or other standards the Redevelopment Board may designate. Properties in which there are preexisting public shade trees at the required spacing along the public way are exempt.
- E. Where there is no other suitable location within the public 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:

This amendment aligns with the Net Zero Action Plan (NZAP), endorsed by the Select Board in 2021, and the State's greenhouse gas (GHG) reduction and rooftop solar deployment goals. The NZAP is a roadmap for Arlington to achieve net zero GHG emissions by 2050. To this end, priority measure 11 for Net Zero Buildings (NZB) 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.*

The Town's ability to combat climate change is at the community level through these types of policies and actions. Further use of renewable energy gets the town closer to net zero goals. The Board appreciated the comprehensive approach between the Clean Energy Future Committee, the ARB, and staff to develop the amendment, noting the community's shared responsibility in addressing climate change.

**ARB Vote and Recommendation to Town Meeting:** The Redevelopment Board voted 5-0-0 to recommend Action on Article 30. That the Zoning Bylaw be and hereby is amended as follows:

#### **Amend SECTION 2 by creating category "Definitions Associated with Solar Energy Systems":<sup>3</sup>**

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.

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<sup>3</sup> 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~~.**

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:**

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#### **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. 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.

##### **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.

## **Zoning Bylaw Amendment: Solar Energy Systems**

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

### **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.

### **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:**

The ARB supports these administrative amendments for clarity and consistency, including: updating voting quantum for proposals consistent with Governor Baker's 2021 Housing Choice Legislation (M.G.L. c.40A sec 9); updating Transportation Demand Management methods to reduce duplication with the Bicycle Parking bylaw (Section 6.1.12) passed by 2019 ATM; striking a duplicative section of the bylaw; and consolidating and moving two definition into "Definitions Associated with Dwelling" for consistency standard practice in Section 2, Definitions.

**ARB Vote and Recommendation to Town Meeting:** The Redevelopment Board voted 5-0-0 to recommend Action on Article 31. 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;



## **Zoning Bylaw Amendment: Administrative Amendments**

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

- (8) Provide showers for business or industrial uses;
- (9) Other means acceptable to the applicable Special Permit Granting Authority.

### **Amend Section 8.1.4(E):**

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- 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:**

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#### **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.

## **Zoning Bylaw Amendment: Administrative Amendments**

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

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.

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:**

During the 2018 recodification of the Zoning Bylaw, the Redevelopment Board's (ARB) administrative rules and processes were moved from the Zoning Bylaw into the ARB's Rules and Regulations. The amendment was made under a recommendation in the Master Plan's Zoning Audit that it is a best practice to allow boards to establish and update their rules as statute allows.<sup>4</sup> This amendment to administrative rules and processes allowed the ARB to be more responsive and to improve the special permit review process. The Redevelopment Board adopted Rules and Regulations in 2018.

While the ZBA adopted Rules and Regulations in 2020, Section 3.3 in the current Zoning Bylaw continues to outline administrative procedures. The Zoning Board of Appeals (ZBA) is the only Arlington Board or commission with rules still codified in a town bylaw. The ARB believes the ZBA should have the same ability and flexibility afforded other Boards and Commissions to create and modify their own rules and regulations.

**ARB Vote and Recommendation to Town Meeting:** The Redevelopment Board voted 5-0-0 to recommend Action on Article 32. That the Zoning Bylaw be and hereby is amended as follows:

**Amend Section 3.2.3:**

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**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~~

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<sup>4</sup> Arlington Zoning Review and Reorganization Framework, RKG Associates, February 28, 2017:  
<https://www.arlingtonma.gov/home/showpublisheddocument/34006/636253397250700000>

## **Zoning Bylaw Amendments: Zoning Board of Appeals Rules and Regulations**

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

be a public record, and notice or 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.

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)

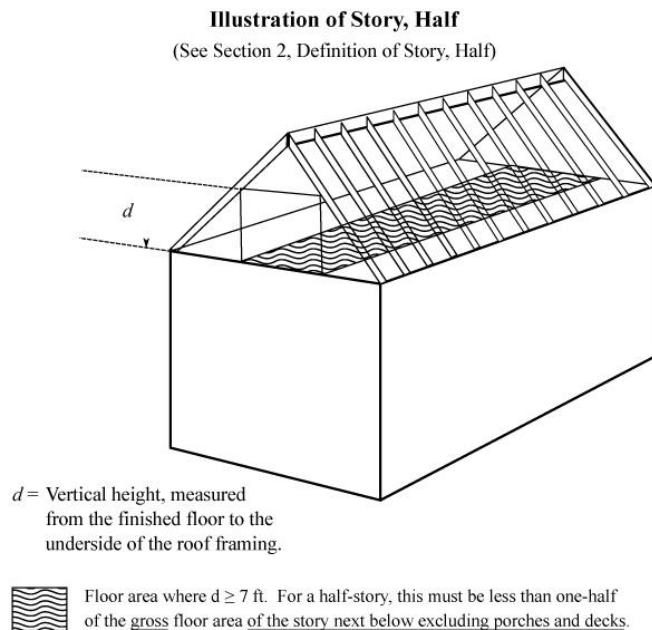
#### Discussion:

This amendment was brought to the ARB from the Chair of the Zoning Board of Appeals through the Zoning Bylaw Working Group of the Master Plan Implementation Committee. The purpose of the amendment is to improve the existing definition of half story. In 2018, during recodification, the definition was updated to align the method of measurement with the calculation of gross floor area (GFA). In 2019, Town Meeting voted to amend the definition of half story to reduce the defined height from seven feet three inches to seven feet. This 2022 amendment clarifies that the area comprising a half story is calculated based on the finished floor below, but does not include porches or decks, to ensure a consistent reading of the Zoning Bylaw for staff, ZBA, and the public.

**ARB Vote and Recommendation to Town Meeting:** The Redevelopment Board voted 5-0-0 to recommend Action on Article 33. 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.



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:**

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

Requests for a special permit under this Section 5.3.9 routinely arise from a property owner seeking to construct a farmer's porch or other large, unenclosed porch at the front of their residence (a projection into the front yard). In recent years, the ZBA has approved these projections with the condition that the area of the new porch is not to be considered within the foundation wall of the building. Including "porch" in this Section of the Zoning Bylaw will provide clarity to the staff, ZBA, and the public.

**ARB Vote and Recommendation to Town Meeting:** The Redevelopment Board voted 5-0-0 to recommend Action on Article 34. That the Zoning Bylaw be and hereby is amended as follows:

#### **Amend Section 2:**

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Porch: A covered area, unenclosed and open to the elements, projecting from and structurally connected to a building.

#### **Amend Section 5.3.9:**

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##### **5.3.9 Projections into Minimum Yards**

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

## **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:**

Similar to Article 34, this amendment emerged from the Zoning Board of Appeals (ZBA) and their review of special permits, primarily for additions to single- and two-family buildings. It was subsequently reviewed by the Zoning Bylaw Working Group of the Master Plan Implementation Committee. This proposed amendment would be applicable to properties under both the ZBA and the ARB's jurisdiction. As described in Article 34, a porch can be added to a building within the minimum front yard setback through the granting of a special permit under Section 5.3.9 Projections into Minimum Yards. Article 34 clarifies that a porch is open on at least one side. Currently, applicants proposing to enclose a porch are allowed to do so by-right (not needing a special permit). The proposed amendment would require that enclosing porches and other similar spaces can only be done with a special permit.

**ARB Vote and Recommendation to Town Meeting:** The Redevelopment Board voted 5-0-0 to recommend Action on Article 35. 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:**

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

**ARB Vote and Recommendation to Town Meeting:** The Redevelopment Board voted 5-0-0 to recommend Action on Article 36. That the Zoning Bylaw be and hereby is amended as follows:

#### **Amend Section 5.4.2:**

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#### **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



## **Zoning Bylaw Amendments: Large Additions**

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

apply, and a single-family dwelling attached to one other single-family dwelling on an adjoining lot as of August 28, 1975, shall be considered a building lot.

- (3) R0 District Minimum Lot Area Exception. Any lot shown on the Zoning Map as proposed by the zoning bylaw change first advertised on February 21, 1991, as being in the R0 district, and which was recorded with the Registry of Deeds on or before February 21, 1991, and which did not contain a principal building, or for which a building permit was not issued, may be built upon with a single family residential use provided that the lot contains not less than 6,000 square feet of area and 60 feet of frontage.
- (4) Front Yard Minimum Lot Width Requirements and Exceptions. The minimum front yard lot width shall be 50 feet at all points between the front lot line and the nearest building wall, except that such minimum front yard lot width shall not apply to (i) any lot excepted under Section 5.4.2(B)(1) or 5.4.2(B)(2) or 5.4.2(B)(8) or (ii) restoration of any principal building that existed on a lot or for which a building permit was issued prior to February 1, 1988.
- (5) Calculation of Building Height. On a lot with a slope more than 5%, building height is the vertical distance of the highest point of the roof above the average finished grade of the ground using grade plane as defined in the State Building Code.
- (6) Large Additions. No alteration or addition which increases the gross floor area of a building by the lesser of (a) 750 square feet or more, or ~~by (b) 50% or more~~ of the building's gross floor area on the date of application for a permit, or because of cumulative alterations or additions during the previous two years, shall be allowed unless:
  - The addition is constructed entirely within the existing foundation walls, or
  - The Board of Appeals, acting pursuant to Section 3.3, finds that the alteration or addition is in harmony with other structures and uses in the vicinity.

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

## **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:**

This amendment emerged from the ZBA and their review of special permits, variances, and appeals of the decision of the Building Inspector. The purpose of this amendment is to establish who may determine whether a structure is unsafe. The ZBA has reported occasional cases where a contractor has removed a portion of a building after a third party determined that the structure was unsafe without consulting with the Inspectional Services Department. An inappropriate determination of this nature leads to a portion of a structure being rebuilt that would not be allowed. This amendment clarifies that the determination must be made by the Director of Inspectional Services to be certain that a building or portion thereof is unsafe prior to its demolition.

**ARB Vote and Recommendation to Town Meeting:** The Redevelopment Board voted 5-0-0 to recommend Action on Article 37. That the Zoning Bylaw be and hereby is amended as follows:

#### **Amend Section 8.1.5:**

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#### **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:**

This amendment aligns with the Fair Housing Action Plan which notes that in addition to many other impediments to fair housing, “The substance of the Zoning Bylaw also presents fair housing issues. The current Bylaw is more restrictive than its own historic development patterns, substantially limiting opportunities to build multifamily housing and create affordable housing options in town—housing options that can advance fair housing choice... Single-family districts have historically been employed as a mechanism to promote segregation and to prevent households that cannot afford a single-family home on a large lot from moving to town... While segregation is no longer the Town’s intent, the large share of land devoted to single-family districts remains an impediment to housing choice. When combined with the high cost of land, the Bylaw’s minimum lot sizes and single-family use districts ensure that only large, high-cost housing can be built in those locations. In R1 districts, where nonconforming two-family dwellings are fairly commonplace, the mandate to build only single-family dwellings is not rooted in the area’s architectural character but is rather the legacy of a specific historical social movement to restrict growth in the town” (pp. 56-57).

There was a robust discussion of this article and many comments received from the public at the hearing and via email correspondence. The Board deliberated on the article discussing a range of interest and concerns. Three Board members in favor of the amendment (Benson, Lau, and Revilak) expressed interest in limiting the size of new units to include the square footage limit of a starter home that aligns with the 760 CMR 59.00: Smart Growth Zoning Districts and Starter Home Zoning Districts. Members noted that single-family homes are currently being torn down and replaced by larger single-family homes in the R0 and R1 zoning districts. This will continue with or without the passage of this amendment. The amendment, however, allows for two smaller units to be constructed instead of one single-family home which is a better alternative to the status quo. The Board also noted that the rate of change would be modest.

Two Board members opposed to the amendment (Tintocalis and Zsembery) expressed their interest in this as an innovative policy for advancing housing choice but expressed concern about the need for further study and would like to see more precedents and outcomes from communities that have already adopted this type of amendment. Members opposed to the amendment are interested in seeing a suite of comprehensive and connected amendments move forward to advance the Housing Plan, MBTA Communities, or both. Further, members in opposition felt that having the real estate transfer fee in place to generate funding for affordable housing would be ideal. Lastly, there was concern about the lack

**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~~.**

of accurate information and unfounded statements circulating around this amendment and the need for more education around this amendment.

Members agree that the amendment would not allow for larger buildings than currently allowed in the Zoning Bylaw. The amendment maintains open space requirements, setback requirements, parking requirements, and height requirements currently set forth in the R0 and R1 zoning districts. All agreed that this amendment is not about creating deed-restricted affordable housing, but that it instead would create additional housing options as noted in the Fair Housing Action Plan.

**ARB Vote and Recommendation to Town Meeting:** The Redevelopment Board voted 3-2-0 to recommend Action on Article 38 as amended. 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*</u> , duplex dwelling*	35	2 ½	-----

\* By deed restriction neither unit of a two-family dwelling or a duplex dwelling shall exceed 1,850 square feet of heated living space.

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
<b>Residential</b>								
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

\* By deed restriction neither unit of a two-family dwelling or a duplex dwelling shall exceed 1,850 square feet of heated living space.

**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:**

This amendment aligns with the Arlington Master Plan which acknowledges that Arlington's commercial corridors can support increased growth while still preserving the residential character of lower-density neighborhoods and protecting open spaces. Both then and now the Town is faced with a general need for growth; more housing and more commercial space can help with the overall tax base. The Zoning Audit completed as part of the 2015 Master Plan recommended that in conjunction with adjustments to building height maximums, the maximum Floor Area Ratio (FAR) should be increased.

Zoning bylaws and ordinances use different tools to shape what neighborhoods will look and feel like, including how large buildings are allowed to be. FAR (pronounced "F-A-R", not "far"), is one of those tools. It works in concert with height maximums, open space requirements, and setback requirements to limit the overall massing of a building. When not appropriately calibrated, however, FAR can create constraints that overly limit the ability to redevelop a property and can disincentivize redevelopment of properties that are not performing to their highest and best use. FAR is calculated by dividing the sum of a building's total floor area (the total square feet of all the floors in a building) by the lot area (the total square feet of a lot or parcel). When zoning sets a maximum FAR, it places a limit on the size of a building in relation to the size of the lot that it is on.

In 2016, Town Meeting adopted amendments to the Zoning Bylaw's definitions, use regulations, and dimensional and density regulations to allow for mixed-use development along commercial corridors. All development is subject to ARB Environmental Design Review Special Permit criteria under Section 3.4. Without an opportunity for greater scale, existing mixed-use development is often built to spec which decreases creative design options. Further, a restrictive FAR can make it challenging to reach the threshold in Section 8.2 Affordable Housing Requirements, which has led to some mixed-use developments not having any affordable housing units. This amendment would address these discrepancies and may create more opportunities for better design. During the public hearing for this article, the ARB requested a modification to the FAR of 4.0 proposed by the petitioner. The petitioner reduced the FAR by doubling the current FAR in each business district, with a cap at an FAR of 3.0.

Overall, the Zoning Bylaw lays out an array of dimensional restrictions that control height, density, and uses along Arlington's commercial corridors. The ARB noted that FAR is just one element of those restrictions. Under this amendment, all other dimensional requirements would remain the same, including setbacks, open space, building height maximums, step backs, and more. The Board adopted annual goals in September 2021 which included a goal to *encourage development and redevelopment opportunities to generate a full range of housing options for all incomes and housing types and*

## 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~~.

*encourage mixed-use development, and new commercial development.* In order to advance this goal, the Board created an action to “*consider zoning amendments to encourage commercial development along the Massachusetts Ave and Broadway corridors*”.

Board members voting affirmatively on this amendment (Benson, Lau, Revilak, and Zsembery) conveyed that it would encourage more redevelopment and mixed use in the commercial corridors. Further, it will support ground floor retail and commercial activity, especially in tandem with Article 28. Lastly, contingent upon approval of an appropriation request by Town Meeting, the ARB may be engaged in an update to the Commercial Design Standards which will assist in review of future proposals. The Board member who opposed the amendment (Tintocalis) expressed concern about the ARB’s ability to review new projects and ensure they are well designed.

**ARB Vote and Recommendation to Town Meeting:** The Redevelopment Board voted 4-1-0 to recommend Action on Article 39. That the Zoning Bylaw be and hereby is amended as follows:

Modify 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)
<b>B2</b>	
Mixed-use <= 20,000 sq. ft.	<del>1.50</del> <u>3.00</u>
Mixed-use > 20,000 sq. ft.	<del>1.00</del> <u>2.00</u>
<b>B2A</b>	
Mixed-use <= 20,000 sq. ft.	<del>1.50</del> <u>3.00</u>
Mixed-use > 20,000 sq. ft.	<del>1.00</del> <u>2.00</u>
<b>B3</b>	
Mixed-use <= 20,000 sq. ft.	<del>1.50</del> <u>3.00</u>
Mixed-use > 20,000 sq. ft.	<del>1.40</del> <u>2.80</u>
<b>B4</b>	
Mixed-use <= 20,000 sq. ft.	<del>1.50</del> <u>3.00</u>
Mixed-use > 20,000 sq. ft.	<del>1.00</del> <u>2.00</u>
<b>B5</b>	
Mixed-use <= 20,000 sq. ft.	<del>1.80</del> <u>3.00</u>
Mixed-use > 20,000 sq. ft.	<del>1.40</del> <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:**

The petitioner for this article sought to expand the B3 Village Business District by four parcels to create continuity of Business Districts in a portion of East Arlington's Capital Square where there is currently a gap between a B3 district and B2 district. The ARB's goals for this year specifically include the action to "consider zoning amendments to encourage commercial development along the Massachusetts Avenue and Broadway corridors." The ARB is focused on addressing zoning in the business districts more broadly as part of a wholistic strategy for encouraging economic development and commercial vitality along these corridors. As the ARB has discussed, embarking on this initiative will entail a planning process that will engage and reach out to residents and the business community alike across the entire Massachusetts Avenue and Broadway corridors. Board members noted that the current zoning districts do not reflect or communicate a plan for development. Board members appreciated the opportunity to discuss this amendment and are interested in working on this over the next year.

**ARB Vote and Recommendation to Town Meeting:** The Redevelopment Board voted 5-0-0 to recommend No Action on Article 40.



## **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:**

**\*\* Please note that this Zoning Bylaw Amendment is subject to M.G.L. c 40A Section 5 such that this zoning bylaw may be enacted by a simple majority vote, rather than the 2/3 supermajority that applies to other zoning amendments. \*\***

This proposed amendment aligns with both the Master Plan and Connect Arlington, the Sustainable Transportation Plan. The Master Plan set forth the goal of establishing parking ratios that reflect actual need for parking. Additionally, the Zoning Audit completed as part of the Master Plan noted that the Town's off-street parking regulations needed to be updated to address current trends in land use, economic development, and transportation planning. This proposed amendment addresses the Master Plan goal by reducing the parking ratios for multi-family uses with access to transit. The reduction in the number of spaces per unit for multi-family uses reflects the fact that these uses are located on major corridors where transit is accessible, and where there is a corresponding lack of demand for additional parking. The amendment also aligns with Connect Arlington, the Sustainable Transportation Plan, which states that excessive parking supply, which can occur through zoning bylaws that require more parking than necessary for a development, increases environmental and climate impacts via stormwater runoff and urban heat island effects. Additionally, oversupply of parking is directly connected to increased amounts of driving and vehicle miles traveled.

This amendment applies to apartment buildings, which are allowed by special permit exclusively in the R5, R6, and R7 zoning districts and to mixed-use developments in the Business Districts. These districts are primarily located along the Massachusetts Avenue and Broadway corridors, adjacent to public transportation. This amendment also applies to apartment building conversions of up to 18 units per acre with no exterior alteration is allowed by special permit in the R4 and R5 zoning districts. The R4 district is limited to Pleasant Street, Arlington Center, and along Summer Street in the Heights.

The Board discussed that by reducing the parking requirement for apartment buildings to one parking space per unit, the amendment would make the parking requirements for apartments consistent with what is currently required for single-, two-, and three-family dwellings. The amendment would also remove a hindrance to developing mixed-use developments that do not have enough space for parking and ground floor commercial opportunities.

## Zoning Bylaw Amendments: Apartment Parking Minimums

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

**ARB Vote and Recommendation to Town Meeting:** The Redevelopment Board voted 5-0-0 to recommend Action on Article 41. 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
<b>Residential Uses</b>	
Single-, two-, or three-family dwelling, <u>or apartment building, except for public housing for the elderly</u>	1 space per dwelling unit
<del>Apartment building</del> <u>Public housing for the elderly</u>	<del>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.</del>

## 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:

Throughout the pandemic, the Economic Development Recovery Task Force worked with the Select Board and Parks and Recreation Commission to relax requirements regarding temporary uses and activities in Arlington's parks and open spaces to provide additional safe, outdoor venues where local businesses could continue their operations. These allowances served as a temporary measure to support local businesses when they were unable to conduct business indoors due to local restrictions. At the same time, allowing non-profit and for-profit activity in parks and open spaces has resulted in additional placemaking, activation, and economic development benefits, and included engagement with the Arlington Commission for Arts and Culture. This amendment takes the temporary relief granted due to the pandemic and codifies it in the Zoning Bylaw, allowing temporary activities such as outdoor fitness classes, art classes, and performances to continue as the Town emerges from the pandemic.

During the hearing for this article, it was noted that additional approvals of temporary uses are required by the body which has jurisdiction over a particular open space – typically the Select Board, Parks and Recreation Department, or the Conservation Commission. These permits would continue to be required; this amendment only removes the requirement for an applicant to also seek ARB approval.

**ARB Vote and Recommendation to Town Meeting:** The Redevelopment Board voted 5-0-0 to recommend Action on Article 42. 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
<b>Accessory Uses</b>					
Temporary food or beverage concession for <u>or not for profit at an event</u>		Y	Y		<del>SP</del> <u>Y</u>
Fundraising event conducted by an Arlington based non-profit organization, with no automated amusements	Y	Y	Y		<del>SP</del> <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:**

The Section 1.5 of the Zoning Bylaw has referenced the process for amending the zoning map since 1979, however abutter notices for changes to a zoning map are not a requirement under M.G.L. c. 40A, § 5. State law requires that notice of public hearings to be “published in a newspaper of general circulation in the city or town once in each of two successive weeks, the first publication to be not less than fourteen days before the day of said hearing, and by posting such notice in a conspicuous place in the city or town hall for a period of not less than fourteen days before the day of said hearing.”<sup>5</sup>

The ARB supports this amendment to clarify who receives a notification of a petition for a change to the zoning map. This amendment also clarifies the Department of Planning and Community Development’s process, by which the department issues a notice of the ARB’s public hearing about a map change separate from a petitioner’s issuance of a notice.

**ARB Vote and Recommendation to Town Meeting:** The Redevelopment Board voted 5-0-0 to recommend Action on Article 43. 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.

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<sup>5</sup> M.G.L. c. 40A § <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter40a/Section5>

## **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:**

The Zoning Bylaw presently requires restaurants greater than 2,000 square feet of gross floor area to obtain a special permit through the ARB's Environmental Design Review permitting process prior to a change of use, redevelopment, new construction, or expansion. The applicant seeks to reduce the threshold by increasing the square footage to 3,000 square feet, which aligns with the requirements for local retail, small professional, business, and medical offices. The amendment would also allow restaurants of less than 3,000 square feet to be established in the B4 Vehicular Oriented Business District.

The proposed amendment is consistent with the ARB's goal of Advancing Zoning Bylaw amendments to future Town Meetings, specifically around considering zoning amendments to encourage commercial development along the Massachusetts Avenue and Broadway corridors. It additionally advances a recommended action of the Arlington Heights Neighborhood Action Plan to seek changes to local regulations to make it easier to open restaurants, as these are a major "wanted" element for the Heights.

During deliberation, the Board discussed the impact on the neighborhoods of increasing the threshold that triggers a special permit for a restaurant. Board members voting affirmatively on this amendment (Lau, Revilak, Tintocalis, and Zsembery) conveyed that an increase to the square footage threshold was a supportive action for hospitality in Arlington, and would encourage smaller, independent restaurateurs to open restaurants in town. Board members noted that of all commercial industries, restaurants are the most regulated. In Arlington, restaurants must go applying for permits through the Board of Health, Inspectional Services Department, and Select Board in addition to requesting a special permit through the ARB, depending on restaurant size. The Board member who opposed the amendment (Benson) felt that the petitioner had not adequately demonstrated that the current 2,000 square foot threshold is and has previously been an impediment to new restaurants.

**ARB Vote and Recommendation to Town Meeting:** The Redevelopment Board voted 4-1-0 to recommend Action on Article 44 as amended. 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:

**Zoning Bylaw Amendments: Restaurant Uses****Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.**

Class of Use	B1	B2	B2A	B3	B4	B5
<b>Eating &amp; Drinking Establishments</b>						
Restaurant						
< <del>2,000</del> <u>3,000</u> sq. ft. gross floor area	SP	Y	Y	Y	<u>Y</u>	Y
=> <del>2,000-3,000</del> 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:**

The Board expressed multiple concerns about this proposed zoning amendment. Following consultation with Town Counsel, the Board concluded that their primary concerns were that 1) this amendment is preempted by state law, 2) this amendment is not consistent with the Town Manager Act, and 3) this amendment places the Zoning Board of Appeals (ZBA) in a position within which they do not have decision making authority. The Director of Inspectional Services (Building Inspector) is hired and works under the State Inspector of the Board of Building Regulations and Standards and the Town Manager. Individuals who have complaints with ISD handling of any complaint can write the Town Manager to request additional action. This puts the ZBA in a difficult position because the appeal would not be an appeal of the Building Inspector's decision or interpretation of the Zoning Bylaw, but rather that the complainant disagrees with the Building Inspector's decision not to take civil action. Board members noted that this amendment introduces new avenues for litigation against the Town which would neither be helpful nor productive in resolving these matters.

**ARB Vote and Recommendation to Town Meeting:** The Redevelopment Board voted 5-0-0 to recommend No Action on Article 45.



## Town of Arlington, Massachusetts

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### Warrant Article Public Hearings for 2022 Special Town Meeting

#### Summary:

9:00 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 A (tentatively scheduled, subject to change) ZONING BYLAW AMENDMENT/ FAMILY CHILD CARE**

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

#### **ARTICLE B (tentatively scheduled, subject to change) ZONING BYLAW AMENDMENT/ SIGNS**

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

#### **ARTICLE C (tentatively scheduled, subject to change) ZONING BYLAW AMENDMENT/NONCONFORMING SINGLE-FAMILY OR TWO-FAMILY DWELLINGS**

To see if the Town will vote to amend the Zoning Bylaw to update Section 8.1.3 Nonconforming Single-Family or Two-Family Dwellings to modify or remove Section 8.1.3 C; or take any action related thereto.  
**(Inserted at the request of the Redevelopment Board)**

#### ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	20220407_DPCD_Memo_to_ARB.pdf	20220407 DPCD Memo to ARB





- (3) Up to 10 children: A licensed Family Child Care provider may enroll up to 10 children in their program if there is an approved assistant working with them, and if the children are within the required age limits.

The EEC has strict standards for licensing of family childcare providers, including background record checks for all household members or individuals regularly on the premises, provider First Aid and CPR certification, Professional Qualifications Registry, continuing education requirements, outdoor space regulations, and criteria regarding interior lighting, cleanliness, maintenance, ventilation, and exits.<sup>1</sup> Additionally, the EEC is authorized to visit a provider at any time, including for pre-licensing and one or more annual unannounced visits, to ensure that the family child care is in compliance with the law and EEC regulations.

Arlington presently has 17 family childcare providers.<sup>2</sup> Of those providers, 12 are licensed for up to 10 children, two for up to eight children, and three for up to six children. The Department of Planning and Community Development has no record of these family childcare providers having requested a special permit for the accessory use. As a result of an existing provider seeking to obtain a business license through the Clerk's Office, the Department was asked and confirmed that the provider needed a special permit for the use. A second provider subsequently applied for a license. Both applicants applied for special permits and will have public hearings in May and the permits must be granted prior to obtaining their business license.

Family Child Care was not included in the 2019 amendment; at present, the Zoning Bylaw requires applicants seeking to open or operate a family childcare facility as an accessory use to obtain a special permit. This amendment makes clear that Family Child Care is included as a childcare facility and does not need to seek an Environmental Design Review special permit from the ARB. It also clarifies that the Board will add this review to its existing Board Rules and Regulations and provides a footnote referring readers to where an applicant can reference Board Rules and Regulations. The Board will amend its rules to include administrative review of these uses. This regulatory amendment is consistent with policy in neighboring municipalities, which allow family childcare as an accessory use as of right with minimal administrative review.

## **Amend SECTION 2:**

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Family Child Care: a private residence which on a regular basis, receives for temporary custody and care during part or all of the day, children under 7 years of age, or children under 16 years of age if those children have special needs, and receives for temporary custody and care for a limited number of hours children of school age under regulations adopted by the board. The total number of children under 16 in a family child care shall not exceed 10, including participating children living in the residence. Family child care centers shall comply to the Commonwealth of Massachusetts Standards for the Licensure or Approval of Group Day Care Centers.

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<sup>1</sup> Massachusetts Department of Early Education and Care, *Self-Assessment Tool*, accessed at <https://www.mass.gov/doc/self-assessment-tool-0/download>

<sup>2</sup> Massachusetts Department of Early Education and Care, *Licensed Child Care Search*, accessed at [https://eeclead.force.com/EEC\\_ChildCareSearch](https://eeclead.force.com/EEC_ChildCareSearch)

**Amend SECTION 5.4.3:**

Class of Use	R1	R2	R3	R4	R5	R6	R7
<b>Accessory Uses</b>							
Family child care <sup>1</sup>	SP Y	SP Y	SP Y	SP Y	SP Y	SP Y	SP Y

<sup>1</sup> Subject to Arlington Redevelopment Boards Rules and Regulations.

**Amend SECTION 5.5.3:**

Class of Use	B1	B2	B2A	B3	B4	B5
<b>Accessory Uses</b>						
Family child care <sup>1</sup>	SP Y	SP Y	SP Y	SP Y	SP Y	SP Y

<sup>1</sup> Subject to Arlington Redevelopment Boards Rules and Regulations.

**Amend SECTION 5.6.3:**

Class of Use	MU	PUD	I	T	OS
<b>Accessory Uses</b>					
Family child care <sup>1</sup>	SP Y	Y			

<sup>1</sup> Subject to Arlington Redevelopment Boards Rules and Regulations.

## **ARTICLE B**

## **ZONING BYLAW AMENDMENT / SIGNS**

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

(Inserted at the request of the Redevelopment Board)

### **Background**

Town Meeting voted to adopt substantial revisions to Section 6.2, Signs, of the Zoning Bylaw at 2019 Annual Town Meeting. At the time, very few publicly accessible electrical vehicle (EV) charging stations were provided in town and most were located on municipal lots. Similarly, the Town then had a contract with Lime Bikes for dockless bike share. In the intervening years, the Department of Planning and Community Development has received several requests from commercial businesses to install public EV charging stations on private lots. Such charging stations typically feature an area for advertising, which offsets the cost of the installation of the station. The Town has also entered a multi-year contract with BLUEBikes, a bike share company where bikes are docked at stations located in East Arlington and Arlington Center, and eventually Arlington Heights. Bike docking stations typically feature a non-illuminated sign area.

Neither sign types are allowed under Section 6.2 of the Zoning Bylaw. This zoning amendment seeks to allow them under Section 6.2.1.E, Exemptions, so long as the sign area is limited to no more than 15 square feet for shared mobility (e.g., bike share) docking stations and 12 square feet for EV charging stations. The sign area maximum was determined by reviewing similar zoning criteria in Boston-region communities where bike share and EV charging stations are allowed, as well as reviewing sign materials provided by BLUEBikes and as part of proposals for EV charging stations.

### **Amend SECTION 2:**

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Shared Mobility Docking Station: Parking for bicycles or other non-motorized vehicles that is made available for an hourly rental fee as part of a business operating docking stations.

Electric Vehicle Charging Station: A structure that supplies electric energy for the recharging of electric vehicles.

### **Amend SECTION 6.2.1:**

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6.2.1.E Exemptions. The following signs are not regulated under this Section:

- (1) Any sign, posting, notice or similar signs placed, installed, or required by law by a town, county, or a federal or state governmental agency in carrying out its responsibility to protect the public health, safety, and welfare, including the following:

Emergency and warning signs necessary to warn of dangerous and hazardous conditions and that serve to aid public safety or civil defense;

Traffic signs erected and maintained by an authorized public agency;

Signs required to be displayed by law, regulation, or ordinance;

Signs directing the public to points of interest;

Signs showing the location of public facilities; and

Numerals and letters identifying an address from the street to facilitate emergency response and compliant with Town requirements.

- (2) Non-illuminated non-commercial signs on single-family, two-family, and three-family residences and duplexes in residential zoning districts;
- (3) Non-illuminated signs which provide incidental information including, but not limited to credit card acceptance, business hours, open/closed, no soliciting, directions to services and facilities, or menus, provided these signs do not exceed an aggregate of six square feet in sign area;
- (4) Building identification signs not exceeding two square feet in area for residential buildings and four square feet in area for nonresidential and mixed-use buildings;

Building Identification Sign  
(See Section 6.2.1(E)(2))



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

- (5) Signs not exceeding 11 x 17 inches posted on a community bulletin board;
- (6) Landmark signs;
- (7) Historical plaques and commemorative signs erected and maintained by non-profit organizations, building cornerstones, and date-constructed stones not exceeding four square feet in area;
- (8) Signs not readable from the public right-of-way, including:
  - Signs or displays located entirely inside of a building and not visible from the building's exterior, such as those for home occupations described in Section 5.9.1;
  - Signs intended to be readable from within a parking area or Town park but not readable beyond the boundaries of the lot or parcel upon which they are located or from any public right-of-way; and
  - Signs located within Town of Arlington recreation facilities; and
- (9) Any notice as defined in [Title V, Article 1](#) of the Town Bylaws;
- (10) Signage necessary or appurtenant to the placement or operation of a Shared Mobility Docking Station (all illumination permitted) no larger than 15 square feet, including those located on public property, Town rights-of-way, the Minuteman Bikeway, and waterways; and

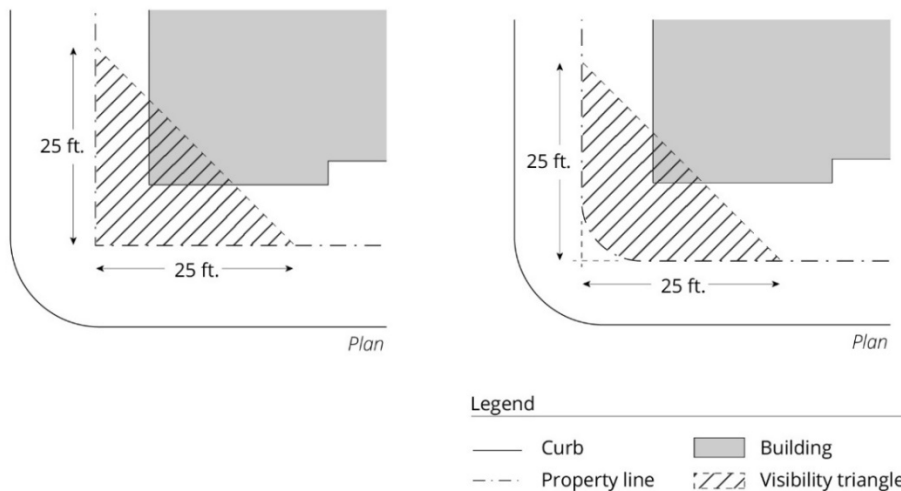
- (11) Signage or digital display areas with a display area no larger than 12 square foot in size located on public or private property as a component of an Electric Vehicle Charging Station.

### **Amend SECTION 6.2.3**

#### **6.2.3 General Restrictions for All Signs**

- A. Location Restriction. Except where specifically authorized in this Section, signs may not be placed in the following locations:
- (4) Within, on, or projecting over public property, Town rights-of-way, and the Minuteman Bikeway, or waterways, except signs specifically authorized by this Section 6.2, specifically Shared Mobility Docking Stations;
  - (5) Any location that obstructs the view of any authorized traffic sign, signal, or other traffic control device;
  - (6) On property at any corner formed by intersecting streets, within the triangular area formed between the property lines and a diagonal line joining points on the property lines 25 feet from the point of their intersection, or in the case of rounded property line corners, the triangular area between the tangents to the curve at such corner and a diagonal line joining points on the tangents 25 feet from the point of their intersection;

**Traffic Visibility at Intersections**  
(See Section 6.2.3(A)(3))



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

- (7) Areas allowing for ingress to or egress from any door, window, vent, exit way or fire lane required by the Building Code or Fire Department regulations currently in effect;
- (8) Off the premises of the business to which the commercial advertising sign refers, except as provided in Section 6.2.6;
- (9) On fuel tanks, storage containers and/or solid waste receptacles or their enclosures, except for a manufacturer's or installer's identification, appropriate warning signs and placards, and information required by law;

- (10)Where they cover the architectural features of a building, such as dormers, insignias, pilasters, soffits, transoms, trims, or another architectural feature;
- (11)Tacked, painted, burned, cut, pasted, or otherwise affixed to trees, rocks, light and utility poles, posts, fences, ladders, benches, or similar supports that are visible from a public way except for notices as defined in Title V, Article 1, of the Town Bylaws; and
- (12)On the roof of a building or structure.

## ARTICLE C

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

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

(Inserted at the request of the Redevelopment Board)

### Background

It came to the attention of the Arlington Legal Department that a conflict with the current interpretation of M.G.L. Chapter 40A § 6's infamous "second except clause" and Section 8.1.3(c) of the Zoning Bylaw has created a difficult ambiguity for the Zoning Board of Appeals and the Building Inspector in his capacity at the Zoning Enforcement Officer.

In the 2019 case *Bellalta v. Zoning Bd. of Appeals of Brookline*, 481 Mass. 372, 116 N.E.3d 17 (2019), the Supreme Judicial Court examined the issue of what was required for so-called prior non-conforming single and two-family homes to expand those non-conformities. Homes and businesses built or established prior to codification of Zoning Bylaws frequently do not comply with modern zoning requirements which establish either uses (e.g., residential, certain businesses) or dimensional and density requirements (e.g., height, setbacks, floor area ratios, open space requirements, parking). Prior non-conformance rights enshrined in Chapter 40A essentially "allow" such structures and uses to continue as they are with certain qualifications. Chapter 40A and the Arlington Zoning Bylaw also set forth the criteria for expanding or "intensifying" those non-conformities.

For example, in the *Bellalta* case, the applicant's home exceeded the maximum Floor Area Ratio ("FAR") with the FAR ordinance was created but was historically afforded prior non-conformance rights under the law because of course it would be impossible for the home to meet the zoning bylaw requirements without forcing its owner or resident to demolish parts of what was already standing. The applicant wished to install a dormer which would further expand the non-conformity with respect to FAR (the limit was 1.0, the home was already at 1.14, and the proposed project would have expanded it to 1.38). The Zoning Board of Brookline granted a special permit for the expansion under a bylaw provision very similar to Arlington's Zoning Bylaw Section 8.1.3(B). Abutters appealed, arguing among other things, that a variance was required, and such relief could not be granted.

The *Bellalta* Court not only agreed with the Zoning Board, but explicitly resolved some long-standing ambiguity about the scope of rights under the "second except clause" of Chapter 40A sec. 6, which specifically affords single- and two-family homes additional rights relative to existing prior non-conformances than they would have for a new non-conformity. The Court noted that a variance is not required for expansions of existing prior non-conformities. Indeed, if a prior non-conformity is not genuinely intensified (the Court questioned whether adding a dormer and increasing the FAR by .24 even constituted an expansion or intensification of a variance) a building permit should be issued as of right. If a proposal, such as the one in *Bellalta* in the record before the Court, does intensify or expand a non-conformity, the Court held that the special permit granting authority need only determine that such an alteration would not be "substantially more detrimental than the existing [nonconformity] to the neighborhood" and "[t]he statute does not require the homeowner also obtain a variance in such circumstances" (*Bellalta v. Zoning Bd. of Appeals of Brookline*, 481 Mass. 372, 373, 116 N.E.3d 17, 20 (2019)(emphasis added)).

These special prior non-conformance rights by operation of Chapter 40A § 6 are focused on single- and two-family homes. Local zoning provisions may expand such rights to other kinds of structures or uses,



but the second except clause is specific to single- and two-family homes. Further, the special rights only relate to existing non-conformities. If a new non-conformity is created, a variance is required. In Arlington, the Zoning Bylaw contains a provision, necessary or unnecessary, which essentially follows the reasoning of the *Bellalta* Court and some of its predecessors in Section 8.3.1(B), which reads as follows:

*“No alteration, reconstruction, extension, or structural change to a single or two-family residential structure that increases the nonconforming nature of said structure shall be permitted unless there is a finding by the Board of Appeals that the proposed alteration, reconstruction, extension, or structural change will not be substantially more detrimental to the neighborhood.”*

However, in 2009 (ten years before the *Bellalta* decision), the Zoning Bylaw was amended to place a restriction/qualifier on the application of 8.3.1(B), limiting prior non-conformance rights in certain kinds of projects and as such conflicting with State Law in the specific scenario were a single- or two-family home seeks to extend an exterior wall further than the furthest non-conforming point of the same exterior. In other words, if a non-conforming exterior wall extends two feet into the setback, the entirety of that exterior wall could be extended to the same level of nonconformance (upon a finding of no detrimental impact), but a non-conforming exterior wall that extends one foot into the setback cannot be extended two feet into the setback regardless of what the Zoning Board determines about substantiality or detrimental impact. Section 8.3.1(C) reads:

*“The extension of an exterior wall of a single-family or two-family residential structure along a line at the same nonconforming distance within a required setback may be allowed providing that the extension creates no new nonconformities, nor increases any open space nonconformities, and that no such extension shall be permitted unless there is a finding by the Special Permit Granting Authority that the extension shall not be substantially more detrimental to the neighborhood than the existing nonconforming dwelling. In making such a finding, the Special Permit Granting Authority shall assess the dimensions and proposed setback of the alteration in relationship to abutting structures and uses.”*

Thus, the only way an owner of a prior non-conforming single- or two-family could seek relief for extension of an exterior wall beyond its furthest point is by a variance, which under *Bellalta*, is in conflict with State Law. As the *Bellalta* Court summarized:

*“[a]ccordingly, in keeping with the Legislature’s intent as it pertains to the special protections afforded one- and two-family residential structures, a variance from the local bylaw is not required by G. L. c. 40A, § 6; obtaining a finding of “no substantial detriment to the neighborhood” is all that is required. See Rockwood, 409 Mass. at 364 (single- and two-family residences are given “special protection” with regard to their existing nonconformities); Gale, 80 Mass. App. Ct. at 337 (outlining “special treatment” explicitly afforded to single- and two-family residential buildings); Dial Away Co. v. Zoning Bd. of Appeals of Auburn, 41 Mass. App. Ct. 165, 170-171, 669 N.E.2d 446 (1996) (if not for “special status” of nonconforming single and two-family residences, “the by-law would probably apply”)(Bellalta v. Zoning Bd. of Appeals of Brookline, 481 Mass. 372, 383-84, 116 N.E.3d 17, 28 (2019)).*

While this situation is fairly specific – expansion of exterior walls past their furthest intrusion into a setback – there are several cases pending before the ZBA now in which the proper form of relief either puts the Inspector and ZBA at odds with the Bylaw or State Law. The ZBA does not have to grant relief, but at present, it is being forced to choose between applying a standard which does not appear consistent with the bylaws on their face or applying the wrong standard. There may be ways in which the Zoning Bylaw might inform the ZBA what “substantial detrimental impact” means, but the read of

Town Counsel is that our bylaw *per se* prohibits something that could be allowed under M.G.L. 40A § 6. Therefore, the following amendment to the Zoning Bylaw is provided below.

**Amend Section 8.1.C:**

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**8.1.3 Nonconforming Single-Family or Two-Family Dwellings**

- A. Alteration, reconstruction, extension, or structural change to a single or two-family residential structure that is completely within the existing foundation walls does not increase the nonconforming nature of said structure.
- B. No alteration, reconstruction, extension, or structural change to a single or two-family residential structure that increases the nonconforming nature of said structure shall be permitted unless there is a finding by the Board of Appeals that the proposed alteration, reconstruction, extension, or structural change will not be substantially more detrimental to the neighborhood.
- ~~C. The extension of an exterior wall of a single-family or two-family residential structure along a line at the same nonconforming distance within a required setback may be allowed providing that the extension creates no new nonconformities, nor increases any open space nonconformities, and that no such extension shall be permitted unless there is a finding by the Special Permit Granting Authority that the extension shall not be substantially more detrimental to the neighborhood than the existing nonconforming dwelling. In making such a finding, the Special Permit Granting Authority shall assess the dimensions and proposed setback of the alteration in relationship to abutting structures and uses.~~
- ~~D.C.~~ Any lot lawfully laid out by plan or deed duly recorded which complies (at the time of recording) with the minimum area, frontage, width, and depth requirements, if any, of the zoning bylaw then in effect, may be built upon for residential use provided it has a minimum area of 5,000 square feet, with a minimum front footage of 50 feet, and is otherwise in accordance with the provisions of [G.L. c. 40A, § 6](#).
- ~~E.D.~~ The creation or addition of an accessory dwelling unit within an existing single-family dwelling, two-family dwelling, or duplex dwelling, or within an existing accessory building on the same lot as any such dwelling, does not increase or affect the nonconforming nature of said existing dwelling or accessory building, and shall not cause such dwelling or accessory building to become non-conforming or result in any additional dimensional requirements with respect to such dwelling or accessory building, provided that such creation or addition of an accessory dwelling unit neither expands the footprint nor the height of said dwelling or accessory building, in each case except (i) for changes necessary to provide for required egress or other modification to meet the State Building Code and State Fire Code, (ii) for any projects allowed under Section 5.3.9, and (iii) to the extent authorized by a special permit issued pursuant to clause (iii) of Section 5.9.2.B(1), fifth bullet.



## Town of Arlington, Massachusetts

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### Correspondence Received

#### Summary:

Correspondence received from:

E. Cahill 4/4/2022

J. Cullinane 4/4/2022

L. Leahy 4/4/2022

L. Vivenzio 4/4/2022

B. Wheltle 4/4/2022

#### ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	Correspondence_from_E._Cahill_received_4-4-2022._#3.pdf	Correspondence from E. Cahill received 4-4-2022 #3
▢	Reference Material	Correspondence_from_J._Cullinane_received_4-4-2022.pdf	Correspondence from J. Cullinane received 4-4-2022
▢	Reference Material	Correspondence_from_L._Leahy_received_4-4-2022.pdf	Correspondence from L. Leahy received 4-4-2022
▢	Reference Material	Correspondence_from_L._Vivenzio_received_4-4-2022.pdf	Correspondence from L. Vivenzio received 4-4-2022
▢	Reference Material	Correspondence_from_B._Wheltle_received_4-4-2022.pdf	Correspondence from B. Wheltle received 4-4-2022

From: Eileen Cahill <[eileentighecahill@gmail.com](mailto:eileentighecahill@gmail.com)>  
 To: [MMuszynski@town.arlington.ma.us](mailto:MMuszynski@town.arlington.ma.us), [ebenson@town.arlington.ma.us](mailto:ebenson@town.arlington.ma.us), [klau@town.arlington.ma.us](mailto:klau@town.arlington.ma.us), [mtintocalis@town.arlington.ma.us](mailto:mtintocalis@town.arlington.ma.us), [rzseberry@town.arlington.ma.us](mailto:rzseberry@town.arlington.ma.us)  
 Cc: Adam Chapdelaine <[achapdelaine@town.arlington.ma.us](mailto:achapdelaine@town.arlington.ma.us)>, "EHelmuth@town.arlington.ma.us" <[EHelmuth@town.arlington.ma.us](mailto:EHelmuth@town.arlington.ma.us)>, "JHurd@town.arlington.ma.us" <[JHurd@town.arlington.ma.us](mailto:JHurd@town.arlington.ma.us)>, "LDiggins@town.arlington.ma.us" <[LDiggins@town.arlington.ma.us](mailto:LDiggins@town.arlington.ma.us)>, "SDeCoursey@town.arlington.ma.us" <[SDeCoursey@town.arlington.ma.us](mailto:SDeCoursey@town.arlington.ma.us)>, "bm.wagner@verizon.net" <[bm.wagner@verizon.net](mailto:bm.wagner@verizon.net)>, [charlie.foskett@foskettco.com](mailto:charlie.foskett@foskettco.com), "dmahon@town.arlington.ma.us" <[dmahon@town.arlington.ma.us](mailto:dmahon@town.arlington.ma.us)>, [pubworks@town.arlington.ma.us](mailto:pubworks@town.arlington.ma.us)  
 Date: Mon, 4 Apr 2022 21:39:35 -0400  
 Subject: Re: Article 38 - Please oppose it tonight.)

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Kim,

I listened to your feedback on infrastructure regarding Article 38 during tonight's ARB meeting. I cannot comment in this zoom meeting so I am writing this email to clarify my valid concerns as a town resident and as a civil engineer.

First, I am asking the town infrastructure be studied to see if the infrastructure can handle increased demand. There was no study done in the Housing Plan. I would like something in writing from the Town Engineer and DPW Director to let me and other concerned residents know the town's existing infrastructure can handle the proposed zoning change of any and all (potentially) single family homes being converted to two family homes.

Yes, we have water saving devices we did not have 50 years ago. We also have pipes that are 50 years older with cracks and tree roots.

The purpose of the water saving devices is to reduce the amount of clean water that goes into pipes. The purpose is not a free for all to build more without engineering to analyze if existing pipes have capacity.

Thank you,  
 Eileen Cahill.

On Mon, Apr 4, 2022 at 1:03 PM Eileen Cahill <[eileentighecahill@gmail.com](mailto:eileentighecahill@gmail.com)> wrote:

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 Tiwn 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.

32 of 39

Thank you,  
Eileen Cahill

On Mon, Apr 4, 2022 at 11:35 AM Eileen Cahill <[eileentighecahill@gmail.com](mailto: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

Mary Muszynski  
Administrative Assistant  
Department of Planning and Community Development  
Town of Arlington  
730 Massachusetts Avenue  
Arlington, Massachusetts 02476  
781-316-3229

Arlington values equity, diversity, and inclusion. We are committed to building a community where everyone is heard, respected, and protected.

From: "Jenny Raitt" <JRaitt@town.arlington.ma.us>  
To: "Mary Muszynski" <MMuszynski@town.arlington.ma.us>  
Date: Mon, 04 Apr 2022 16:11:31 -0400  
Subject: Fwd: Re: FOR THE RECORD: VOTE NO on articles 38 & 39

Jennifer Raitt  
Director, Department of Planning and Community Development  
Town of Arlington

\*Arlington values equity, diversity, and inclusion. We are committed to building a community where everyone is heard, respected, and protected.\*

From: "Rachel Zsembery" <RZsembery@town.arlington.ma.us>  
To: "Joanne Cullinane" <cullinanejoanne@gmail.com>  
Cc: "Jenny Raitt" <JRaitt@town.arlington.ma.us>  
Date: Mon, 04 Apr 2022 16:01:01 -0400  
Subject: Re: FOR THE RECORD: VOTE NO on articles 38 & 39

Thank you for your comments. They will be posted with the meeting materials for the upcoming Arlington Redevelopment Board meeting.

Rachel Zsembery  
Chair - Arlington Redevelopment Board

From: Joanne Cullinane <cullinanejoanne@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, 4 Apr 2022 12:02:50 -0400

Subject: FOR THE RECORD: VOTE NO on articles 38 & 39

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Dear ARB Members :

I am writing to oppose the adoption of Warrant Articles 38 and 39, in any form, because they represent wrong-headed and ill-considered attempts to create density in Arlington at the expense of affordability, green spaces, traffic, schools, walking routes to school, and air quality.

Regarding Article 38, there can be no justification for ending single family zoning in a Town that prizes itself on its identity as a \*Town\* with safe walking routes (to school, etc), green spaces, recreational opportunities, and a diverse housing stock which is in danger of being replaced with larger and significantly more expensive apartments and condominiums. Indeed, Article 38 would give a green light to developers who have shown themselves all too eager to take older modest homes and replace them with larger, far more expensive and land-hogging units. Affordability is not a priority of these developers and will be even less so if you approve of Article 38. You must VOTE NO.

Article 39 continues the knee-jerk, ill-considered planning that could turn Arlington into a city that is not only full of more gentrification but more sprawl. Floor Area Ratio is not simply a number; how this number is formulated has a huge impact upon the safety of our walking routes, the crowdedness of our schools (as a town with no room upon which to build additional ones), the number of trees on our streets, and the vitality of our small businesses, among other things. We need transparency as to how and why this number is being formulated, and what the effects - irreversible as they are - of its manipulation would be - in real terms - on the Town. The public needs to be involved in such discussions. You must VOTE NO to forwarding article 39 in any form.

Town Meeting approved a Master Plan with input from hundreds of residents. The Master Plan emphasized the need for affordable housing and senior housing, rather than the development of more enormous, and enormously expensive, duplexes and apartment buildings that include few affordable units.

Articles 38 and 39 do not support Town priorities as much as they appease developers, so you must VOTE NO on both.

Joanne Cullinane

38 Rawson rd, Arlington (owner)

69 Newland rd, Arlington (owner)

Sent from my iPhone

From: Lori Leahy <loribleahy@gmail.com>

To: Eugene Benson <EBenson@town.arlington.ma.us>, KLau@town.arlington.ma.us, mtintocalis@town.arlington.ma.us, srevilak@town.arlington.ma.us, rzseembery@town.arlington.ma.us

Date: Mon, 4 Apr 2022 11:05:25 -0400

Subject: Article 38

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Dear ARB members,

I would like my comments below to be added to the record.

I write to express my dismay about Article 38 and to ask that you do not endorse it.

My first question is why would you violate the compact that residents understood when they built or bought into a single family zone? This is the largest investment families make and this article would "pull the rug" out from under them. This is an incredible breach of trust and for no purpose other than density for density's sake.

This change would provide no affordable housing. Who would this benefit besides developers? The additional real estate taxes collected would not even cover the cost of education for one child for one year (13K+ per year, per student).

Eliminating single family zoning would all but guarantee that small single family homes that are the only true "starter homes" left in Arlington would be torn down and replaced with the largest possible structure allowed and creating 2 condos that would sell for at least a million dollars each. We know developers will in fact max out property in most every case in order to maximize their profits.

More green space would need to be paved over to accommodate 4+ cars for a two family. Almost every family in Arlington owns 2 cars.

Building up along Mass Ave or developing Broadway makes much more sense. Even growing already existing R2 zones is more palatable than eliminating R1 zoning.

I have repeatedly asked pro density folks what the end goal is with no reply. So I ask you now, how dense is dense enough? Why more density if it does not offer affordable housing? How many additional homes and residents are we striving for? If affordable housing is not the result, how do you justify eliminating single family neighborhoods?

I urge you to not endorse this Article and at the very least to ask that the issue be tabled to allow time to be studied and that public input be gathered.

Thank you,  
Lori Leahy  
TMM, 21





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, 4 Apr 2022 13:21:49 +0000 (UTC)

Subject: Please do not allow Article 38

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To: Arlington Redevelopment Board:

I am writing to express my deep concern with Housing Proposal Article 38 seeking to end single-family zoning. The outcome of Article 38 at tonight's ARB meeting will . Please do not allow Article 38 in any form or 'compromise' version. 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.

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

From: bruce wheltle <brucewhelittle@icloud.com>

To: Eugene Benson <EBenson@town.arlington.ma.us>, Kin Lau <KLau@town.arlington.ma.us>, Melisa Tintocalis <mtintocalis@town.arlington.ma.us>, Steve Revilak <srevilak@town.arlington.ma.us>, Rachel Zsembury <rzsembury@town.arlington.ma.us>

Date: Mon, 4 Apr 2022 11:34:15 -0400

Subject: Opposition to Zoning Articles 38 (Destroy R1) and 39

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Message to ARB opposing Articles 38 and 39