Town of Arlington
Select Board

Meeting Agenda

April 20, 2022
7:00 PM
Select Board Chambers for Select Board and Staff. Members of the Public may access the meeting by Zoom and ACMI.

1. Executive Order on Remote Participation
2. Land Acknowledgment
3. Discussion: General Safety
   Lenard T. Diggins, Chair

CONSENT AGENDA

4. Minutes of Meetings: March 30, 2022

TRAFFIC RULES & ORDERS / OTHER BUSINESS

5. Request: Parking Reservation for Whittemore Park Phase 2 Construction
   Jennifer Raitt, Director of Planning and Community Development
6. Presentation and Requested Adoption: Arlington Housing Plan
   Jennifer Raitt, Director of Planning and Community Development
   Kelly Lynema, Assistant Directory, Department of Planning and Community Development
7. Discussion & Endorsement: Revised ARPA Framework
   Adam W. Chapdelaine, Town Manager

CORRESPONDENCE RECEIVED

8. Parking Issues on Westminster Avenue
   Doug Crevensten, 151 Westminster Avenue

NEW BUSINESS

Next Scheduled Meeting of Select Board April 25, 2022

You are invited to a Zoom webinar.
When: Apr 20, 2022 07:00 PM Eastern Time (US and Canada)
Topic: Select Board Meeting
Register in advance for this webinar:
https://town-arlington-ma-us.zoom.us/webinar/register/WN_4rs0j6lYTRSV4TJDJvmw0w

After registering, you will receive a confirmation email containing information about joining the webinar.

Notice to the Public on meeting privacy In the interests of preventing abuse of videoconferencing technology (i.e. Zoom Bombing) all participants, including members of the public, wishing to engage via the Zoom App must register for each meeting and will notice multi-step authentication protocols. Please allow additional time to join the meeting. Further, members of the public who wish to participate without providing their name may still do so by telephone dial-in information provided above. Documents regarding agenda items will be made available via Novus Agenda and the Town's Website.

Town of Arlington, Massachusetts

Executive Order on Remote Participation

ATTACHMENTS:

	Type	File Name	Description
🗋	Reference Material	Open_Meeting_Law_Requirements___Remote_Participation_Post_State_of_Emergency_.pdf	Executive Order on Remote Participation

Town of Arlington
Legal Department

Douglas W. Heim
Town Counsel

50 Pleasant Street
Arlington, MA 02476
Phone: 781.316.3150
Fax: 781.316.3159
E-mail: dheim@town.arlington.ma.us
Website: www.arlingtonma.gov

MEMORANDUM

TO: Town Boards, Committees and Commissions

FROM: Douglas W. Heim

DATE: June 16, 2021

RE: ***UPDATE* Open Meeting Law Requirements & Remote Participation Post-State of Emergency**

Arlington boards, committees, and commissions, please accept this memorandum as an update with respect to your obligations and options under the Open Meeting Law for holding public meetings and hearings in light of Governor Baker's decision to end the COVID-19 State of Emergency and rescind related Executive Orders effective June 15, 2021, including the March 12, 2020 "Governor's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20"("The Order").

In short, following his decision to rescind the Order, Governor Baker filed special legislation to extend public bodies' ability to conduct public meetings remotely in exactly the same manner set forth by the Order. That initial bill was received favorably but amended and signed by the Governor in its new form late last night. It must be noted that in an effort to pass the much need legislation quickly, minor administrative issues in the bill may require correction.

Nonetheless, germane to remote meetings, the bill as passed accomplishes three critical things for Arlington meetings:

1. *Allows for remote meetings and hearings by public bodies through April 1, 2022*; (the initial legislation only extended these allowances through September 1, 2021);

2. Retroactively approves any remote ***meetings***[1] held yesterday; and

3. Allows for remote town meetings through December 15, 2021.

Options for the Future

The bill allows committees and commissions to continue to conduct meetings entirely remotely but you will also have the options to conduct them entirely in-person, or in a "hybrid" manner where the public body meets in person, but the public is provided remote access (as allowed by Town and School policy respectively, and sufficiently resourced to meet requirements for remote meetings).[2]

As you will recall, remotely conducted meetings under the Order must provide "[a]dequate, alternative means" for public access which may include providing public access through telephone, internet, satellite enabled audio or video conferencing, or any other technology that enables the public to clearly follow the proceedings of the public body in real time (for most committees and commissions, the Zoom platform or similar technology). Remote participation also requires:

1. The Chair announce the name of the member or members who are participating remotely at the start of each meeting (and that the remotely participating members be reflected in the minutes)
2. That all votes be taken by roll call.
3. That members of the public body must be clearly audible to each other and to members of the public at all times;
4. That public bodies in remote executive sessions identify and approve any other persons present for executive session

If a hybrid meeting is held where only members or members and persons with business before the meeting are physically present, it is recommended that the foregoing requirements be applied to aid the public and other participants' ability to follow the proceedings. Furthermore, please ensure that the public can access Zoom-based meetings without registration (by affording a dial-in option to listen rather than participate by video).

[1] The status of hearings performed yesterday is not clear.

[2] Boards and Commissions holding legal hearings are reminded that they must also provide for public comment and testimony, which are not covered under the Open Meeting Law.

Already Noticed and Noticing Meetings in the Immediate Term

For those public bodies who already noticed "in person" meetings but wish to switch to remote meetings, please contact the Town Clerk with updated information on the meeting "location" which can be published on the Town's website and Community Calendar.

For those bodies noticing meetings or hearings taking place in the coming days and weeks, but still discerning where and how such meetings will take place, please include some version of the following contingency language:

> **Meeting venue subject to change while remote participation legislation is pending. Please check the Town's Website and Calendar for the latest information on the location or means to access the meeting. Meetings may be moved to physical locations.**

Town of Arlington, Massachusetts

Land Acknowledgment

ATTACHMENTS:

	Type	File Name	Description
🗋	Reference Material	Land_Acknowledgement.pdf	Land Acknowledgment

https://arlington.novusagenda.com/Agendapublic/CoverSheet.aspx?ItemID=11525&MeetingID=1317

“We acknowledge that the Town of Arlington is located on the ancestral lands of the Massachusett Tribe, the tribe of Indigenous peoples from whom the Colony, Province, and Commonwealth have taken their names. We pay our respects to the ancestral bloodline of the Massachusett Tribe and their descendants who still inhabit historic Massachusett territories today.”



Town of Arlington, Massachusetts

Discussion: General Safety

Summary:
Lenard T. Diggins, Chair

Town of Arlington, Massachusetts

Minutes of Meetings: March 30, 2022

ATTACHMENTS:

	Type	File Name	Description
🗋	Reference Material	3.30.2022_draft_minutes.pdf	Draft Minutes 3.30.2022

Select Board
Meeting Minutes

Date: March 30, 2022
Time: 7:15PM
Location: Select Board Chambers for Select Board and Staff. Members of the Public may access the meeting by Zoom and ACMI.

Present: Mr. DeCourcey, Chair, Mrs. Mahon, Vice Chair, Mr. Hurd, Mr. Diggins, Mr. Helmuth
Also Present: Mr. Chapdelaine, Mr. Heim, Ms. Maher

1. Executive Order on Remote Participation

Mr. DeCourcey opened the meeting by stating the Commonwealth passed on February 15, 2022, an act relative to extending certain COVID-19 measures adopted during the state of emergency, which among other things, allows public meetings to be conducted remotely until July 15, 2022. Tonight's meeting is being conducted via Zoom, is being recorded and is also being simultaneously broadcasted on ACMI. As such, all business will be conducted by roll call vote. Persons wishing to join the meeting by Zoom may find information on how to do so on the Town's website. Persons participating by Zoom are reminded that they may be visible to others and then if you wish to participate, you are asked to provide your full name in the interest of developing a record of the meeting. Further, all participants are advised that people may be listening who do not provide comment, and those persons are not required to identify themselves. Finally, both zoom participants and people watching on ACMI can follow the posted agenda materials, also found on the Town's website using the Novus agenda platform.

2. Discussion and Approval: Arlington Community Electricity Program - Default Renewable Rate Talia Fox, Sustainably Manager
   Adam C. Chapdelaine, Town Manager

Mr. Chapdelaine stated that they will be looking for the Board's authorization for the Town Manager along with Talia and the Town's energy broker 'Good Energy' to establish a default rate and thereby then execute a contract for the next aggregation.
Talia Fox, Sustainability Manager appeared before the Board gave a presentation about the context for the upcoming contract renewal for the Arlington Community Electricity program. Ms. Fox stated that there will be an opportunity to increase the default level of renewable energy and at the end of their presentation they will ask the Board to discuss that target percentage. Ms. Fox explained that the Town is required to pay for electricity distribution through our utility Eversource, but we can choose to purchase electricity

supply from competitive suppliers. Arlington Community Electricity was launched in 2017; it is a Town vetted municipal aggregation program enabled by state law that allows us to purchase electricity supply in bulk. Ms. Fox spoke regarding the different options for renewable energy through the ACE Program and what the default rate currently is as well as their success rate. Ms. Fox stated that the Town's current contract expires at the end of November, and they are currently in conversations with their consultant around the upcoming bidding process. After the bid, they will come back to the Select Board for approval where then the Town Manager will sign a new contract. Ms. Fox detailed the cost estimates and the percentage of additional renewables.
The Board thanked Ms. Fox for her presentation. The Board had a lengthy discussion regarding the potential cost and what the percentage increase would be for customers. The Board noted the uncertainty in the market but explained that the only change to what the customer would pay is based on the rate.
The following members of the public spoke regarding the ACE Program:
Susan Brau, 99 Warren Street
Alan Linov, 19 Colonial Drive
Ryan Katofsky, 534 Summer Street
Patty McIntyre, 12 Webcowet Road
Amy Antczak, 6 Summer Street Place
Brucie Moulton,
Nili Pearlmutter, 79 Harlow Street
Claire Moodie, 24 Richardson Avenue
Andrew Hazelton, 99 Warren Street
Patrick Hanlon, 20 Park Street

Mrs. Mahon moved to authorize the Town Manager to set the ACE Default Rate of no less than 25%.
A roll call vote was taken on the motion by Mr. Heim.
Mr. Hurd: yes
Mr. Diggins: yes
Mr. Helmuth: yes
Mrs. Mahon: yes
Mr. DeCourcey: yes (SO VOTED 5-0)

CONSENT AGENDA

3. Reappointment: Arlington Redevelopment Board
   Kin Lau (term to expire 1/31/2024)

Mr. Hurd moved approval.
A roll call vote was taken on the motion by Mr. Heim.
Mr. Hurd: yes

Mr. Diggins: yes
Mr. Helmuth: yes
Mrs. Mahon: yes
Mr. DeCourcey: yes (SO VOTED 5-0)

TRAFFIC RULES & ORDERS / OTHER BUSINESS

4. Presentation and Requested Adoption: Arlington Housing Plan
   Jennifer Raitt, Director, Department of Planning and Community Development
   Kelly Lynema, Assistant Director, Department of Planning and Community Development

Ms. Raitt appeared before the Board and gave a presentation regarding the history of the Housing Plan. Ms. Raitt explained that following the adoption of the Master Plan by the Arlington Redevelopment Board and its endorsement by Town Meeting in 2015, the Department of Planning and Community Development began implementation with the first recommendation in the housing section of that plan. The plan was adopted by the ARB and the Select Board in 2016 but expired in November of 2021. Ms. Raitt stated that the plan was expansive, with many broad as well as specific goals and recommend actions where the Town accomplished several but not all of the strategies in that plan. Ms. Raitt explained that the housing plan helps the Town better understand Arlington's housing needs and demand, development constraints and opportunities and helps improves our vision and shape outcomes for future housing. Additionally, the plan helps the Town to control our 40B destiny, as it helps the Town to add to our subsidized housing inventory. The plan also helps to address the unmet housing needs of residents who make low and moderate incomes in our community to influence the type, amount and location of mixed income and affordable housing and to possibly prevent unwanted 40B development that complies with local zoning. Ms. Raitt explained that due to our prior housing production plan the Town currently has a certified plan which allows our ZBA to deny comprehensive permit applications that do not align with local needs. Ms. Raitt stated that the housing plan that is before the Board tonight once approved will be sent to the Massachusetts Department of Housing and Community Development for approval.

The Board thanked Ms. Raitt for the presentation. The Board had some question regarding the Town's infrastructure capacity and what the primary concern would be. Mr. Chapdelaine explained that the primary concern about our water and sewer systems capacity revolves much more around inflow and infiltration and far less concern about adding daily flow from the increase in the number of households. The Board explained that this plan is a result of a lot of work that the Town, Planning Department, and residents have been a part of. The Board shares a lot of the same concern in regard to allowing 2-Family homes in the R0 and R1 zones as of right. The Board would like to hear what the ARB's position is before voting on this plan.

The following members of the public spoke about the Arlington Housing Plan:
JoAnne Preston, 42 Mystic Lake Drive
Carl Wagner, 30 Edgehill Road
John Worden, 27 Jason Street
Eileen Cahill, 48 Dickson Avenue
Don Seltzer, 104 Irving Street
Josephine Babiarz, 59 Edgehill Road
Patricia Worden, 27 Jason Street

Mr. Hurd moved to table this discussion to a future Select Board Meeting.
A roll call vote was taken on the motion by Mr. Heim.

Mr. Hurd:	yes	
Mr. Diggins:	yes	
Mr. Helmuth:	yes	
Mrs. Mahon:	yes	
Mr. DeCourcey:	yes	(SO VOTED 5-0)

5. Review and Discussion: MA DHCD Draft Guidelines for MBTA Communities
   Jennifer Raitt, Director, Department of Planning and Community Development
   Kelly Lynema, Assistant Director, Department of Planning and Community Development

Ms. Raitt gave a brief introduction to this agenda item explaining the eligibility requirements that the Town must meet which includes this presentation to the Board. Ms. Lynema, Assistant Director, Department of Planning and Community Development presented to the Board the draft guidelines for MBTA Communities. Ms. Lynema explained that to be eligible for funding from MassWorks, local Capital Projects Fund, or Housing Choice Imitative, an MBTA Community shall have “at least one zoning district of reasonable size in which multi-family housing is permitted as of right.” Ms. Lynema explained the different requirements stating that the legislation requires that multifamily districts have to have a minimum gross density of 15 units per acre. DHCD was given the mandate to come back with draft guideline and guidance on how this broader legislation could be interpreted. DHCD’s draft guidelines include that a reasonable district is at least 50 acres in total, where multifamily development which counts as three or more residential units per development is allowed by right without age restrictions or bedroom limits. Ms. Lynema explained that Arlington is categorized as a Rapid Transit community and the number they’ve established for a capacity threshold is 5115 humas. This number is based on 25% of our total housing units and least half of the land area of the district is within one half mile of the station. Ms. Lynema explained that by complying with these guidelines that allows us to remain eligible for certain funding sources. By complying with MBTA Communities legislation, Arlington would remain eligible for funding from MassWorks Infrastructure Program and Housing Choice Initiative. Ms. Lynema explained that most importantly, the state could funnel more funding through

these programs that are tied to incentive-based standards in the future. Ms. Lynema explained that if the Board would like to submit comments on the guidelines those comments are due to DHCD by tomorrow. Ms. Lynema explained the timeline to remain in compliance stating that by December 31, 2022, we must notify DHDC of lack of full compliance, by March 31, 2023, we must create and submit our action plan with compliance timeline and receive approval and then by December 31, 2023, we will implement the Action Plan by adopting Zoning Bylaw amendments that meet the requirements and received DHDC determination of full compliance.
The Board thanked Ms. Raitt and Ms. Lynema for the presentation and the materials and look forward to hearing more about this in the future.

Mr. Hurd moved receipt.
A roll call vote was taken on the motion by Mr. Heim.
Mr. Hurd: yes
Mr. Diggins: yes
Mr. Helmuth: yes
Mrs. Mahon: yes
Mr. DeCourcey: yes (SO VOTED 5-0)

WARRANT ARTICLE HEARINGS

6. Articles for Review:

Article 21 Vote/Extension of Youth and Young Adult Advisory Board, Commission, or Committee Study Committee

Mr. Heim explained that he believes the Board could vote no action on this warrant article as they have a recommendation of favorable action on warrant article 7. Mr. Heim explained that warrant article 7 contains language ‘or take any action related thereto’ and if for some reason Town Meeting wanted to extend the life of the committee, he believes they could do so under that article.

Mr. Hurd moved no action.
A roll call vote was taken on the motion by Mr. Heim.
Mr. Hurd: yes
Mr. Diggins: yes
Mr. Helmuth: yes
Mrs. Mahon: yes
Mr. DeCourcey yes (SO VOTED 5-0)

Article 24 Home Rule Legislation/Financial Estimates & Budget Documents

Mr. DeCourcey explained that through talking with the Town Manager and the Chair of the Finance Committee, that the Board hold off on this warrant article until they receive feedback from them.

Mrs. Mahon moved to have a 'will report' inserted in the Select Board report to Town Meeting.
A roll call vote was taken on the motion by Mr. Heim.
Mr. Hurd: yes
Mr. Diggins: yes
Mr. Helmuth: yes
Mrs. Mahon: yes
Mr. DeCourcey: yes (SO VOTED 5-0)

Article 7 Bylaw Amendment/Youth and Young Adult Advisory Board
Article 13 Bylaw Amendment/Prohibit the Use of Face Surveillance
Article 14 Vote/Establish a Committee on Insurance Costs and Issues
Article 15 Bylaw Amendment/ Noise Abatement
Article 18 Bylaw Amendment/Phase Out of Certain Toxic Rodenticides on Public/Private Property, with Reporting Requirement and Public Education

Article 23 Vote/Board of Youth Services Updates
Mr. Heim explained that the recommendation for this warrant article would be a vote of the Board for 'no action'. Mr. Heim explained that the Board of Youth Services is not interested in updating portions of its charter and will return at the next Annual or Special Town Meeting whichever occurs sooner.

Mr. Hurd moved no action.
A roll call vote was taken on the motion by Mr. Heim.
Mr. Hurd: yes
Mr. Diggins: yes
Mr. Helmuth: yes
Mrs. Mahon: yes
Mr. DeCourcey: yes (SO VOTED 5-0)

Article 27 Revolving Funds

Article 47 Endorsement of Parking Benefit District Expenditures
Mr. Chapdelaine appeared before the Board and stated that this is prepared by the Town Manager and the Parking Implementation Governance Committee for endorsement by the Finance Committee and Capital Planning Committee respectively.

Mr. Hurd moved favorable action.
A roll call vote was taken on the motion by Mr. Heim.
Mr. Hurd: yes
Mr. Diggins: yes
Mr. Helmuth: yes
Mrs. Mahon: yes
Mr. DeCourcey: yes (SO VOTED 5-0)

Article 75 Resolution/Commitment to Increase Diversity in Town Appointments
Article 77 Resolution/Establishing an Integrated Pest Management Policy for Town Land, Prohibitions, and Public Education about Rodenticide Hazards

Warrant Articles 7, 13, 14, 15, 18, 27, 75, 77 were all heard and voted upon at the Select Board Meeting of March 23, 2022.

FINAL VOTES & COMMENTS

Articles for Review:
Article 6 Bylaw Amendment/ Updating Human Rights Commission Bylaw

Article 8 Bylaw Amendment/Civilian Police Advisory Commission
Mr. Helmuth explained that his suggestion is a clarification that under section 3, subsection A under appointments of the commission that item 5, one member nominated by the Envision Arlington diversity task group co-chairs, add the words with the approval of the Envision Arlington Standing Committee.

Mrs. Mahon moved approval
A roll call vote was taken on the motion by Mr. Heim.
Mr. Hurd: yes
Mr. Diggins: yes
Mr. Helmuth: yes
Mrs. Mahon: yes
Mr. DeCourcey: yes (SO VOTED 5-0)

Article 9 Bylaw Amendment/Achieving Net Zero Greenhouse Gas Emissions from Town Facilities Consistent with the Town of Arlington's Net Zero Action Plan
Article 11 Bylaw Amendment/Domestic Partnerships

Article 12 Bylaw Amendment/Single Use Plastic Water Bottle Regulation
Mr. Heim provided the Board with language prior to the Select Board Meeting.

Mrs. Helmuth moved approval
A roll call vote was taken on the motion by Mr. Heim.
Mr. Hurd: yes
Mr. Diggins: yes
Mr. Helmuth: yes
Mrs. Mahon: yes
Mr. DeCourcey: yes (SO VOTED 5-0)

Article 17 Bylaw Amendment/Conversion of Gas Station Dispensing Pumps to Self Service Operation

Article 19 Vote/Street Name - "Magliozzi Boulevard"

Mr. Diggins explained that he would like the Public Memorials Committee to make recommendation back to the Select Board as has been past practice in similar circumstances. Mr. DeCourcey noted that the change in vote by Mr. Diggins changes the outcome of the recommendation to Town Meeting.

Mr. Diggins moved to reconsider the vote for warrant article 19.
A roll call vote was taken on the motion by Mr. Heim.

Mr. Hurd:	yes	
Mr. Diggins:	yes	
Mr. Helmuth:	yes	
Mrs. Mahon:	yes	
Mr. DeCourcey:	yes	(SO VOTED 5-0)

Mr. Diggins moved no action for warrant article 19.
A roll call vote was taken on the motion by Mr. Heim.

Mr. Hurd:	no	
Mr. Diggins:	yes	
Mr. Helmuth:	no	
Mrs. Mahon:	yes	
Mr. DeCourcey:	yes	(SO VOTED 3-2)

Article 20 Vote/Code Enforcement
Article 22 Vote/Establishment of Town committee to Examine Budgetary Impact of Overnight Parking
Article 25 Home Rule Legislation/Early Voting to Town Elections
Article 26 Endorsement of CDBG Application
Article 73 Resolution/True Net Zero Opt-In Code for Cities and Towns

Warrant Articles 6, 9, 11, 17, 20, 22, 25, 26, 73 were all heard and voted upon at the Select Board Meeting of March 23, 2022.

CORRESPONDENCE RECEIVED

7. Request for Memorial for Julia Miller
   Dorothy Commons
   Mark Miller

Mr. Helmuth moved receipt and referred to the Parks and Recreation Department.
A roll call vote was taken on the motion by Mr. Heim.

Mr. Hurd:	yes

Mr. Diggins: yes
Mr. Helmuth: yes
Mrs. Mahon: yes
Mr. DeCourcey: yes (SO VOTED 5-0)

NEW BUSINESS

Mr. Heim stated that they have a single special town meeting warrant article for the Boards consideration regarding an eminent domain taking for safe route schools.

Mrs. Mahon noted there is a meeting that Mr. Chapdelaine and Mr. Heim will be attending tomorrow with the MWRA in regard to the Save the Alewife.

Mr. Diggins noted that the Civic Engagement Group is having a forum on the Annual Town Survey. Mr. Diggins also thanked Mr. DeCourcey for his leadership and guidance of the last year serving as chair of the Select Board.

Mr. Hurd also thanked Mr. DeCourcey for his leadership and guidance of the last year serving as chair of the Select Board.

Mr. DeCourcey thanked the office staff and his colleagues for all the support they have given him over the last year as chair.

Mrs. Mahon moved to adjourn at 10:18p.m.
A roll call vote was taken on the motion by Mr. Heim.
Mr. Hurd: yes
Mr. Diggins: yes
Mr. Helmuth: yes
Mrs. Mahon: yes
Mr. DeCourcey: yes SO VOTED (5-0)

Next Scheduled Meeting of Select Board April 4, 2022

A true record attest

Ashley Maher
Office Manager

3/30/2022

Agenda Item	Documents Used
1	Open Meeting Law Requirements Post State of Emergency
2	Memo Presentation Public Comment
3	K. Lau Reappointment Reference

4	DPCD Transmission Memo Arlington Housing Plan D. Seltzer Comments J. Preston Comments P. Worden Comments
5	Presentation Draft Guidelines for MBTA
6	Warrant Article Text Memo from Town Counsel W.A. #7, 18, 27, 47, 75, 77 Memo from Town Counsel W.A. #11, 12, 13, 14, 15, 16, 21, 26 Article 7 – Reference Article 13 – Reference Article 14 – Power Point Presentation Article 14 – Reference Article 14 – Letter of Support Article 15 – Reference Article 18 and 77 - Reference Article 18 and 77 - Presentation Article 18 and 77 - Letter of Support Article 18 and 77 - Letter of Support #2 Article 27 – Reference Article 75 – Reference Article 75 – Resolution Article 75 – Letter of Support Comments Submitted after Deadline
7	Final Votes and Comments Memo Supplemental Final Votes and Comments 12 and 26 FV&C – Helmuth Comments FV&C – Diggins Comments

Town of Arlington, Massachusetts

Request: Parking Reservation for Whittemore Park Phase 2 Construction

Summary:
Jennifer Raitt, Director of Planning and Community Development

ATTACHMENTS:

	Type	File Name	Description
🗋	Reference Material	Planning_memo_Parking_Request.pdf	Reference

TOWN OF ARLINGTON
DEPARTMENT OF PLANNING and
COMMUNITY DEVELOPMENT

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

MEMORANDUM

To: Adam Chapdelaine, Town Manager
From: Jennifer Raitt, Director, Department of Planning and Community Development
Kelly Lynema, Assistant Director
Date: April 14, 2022
RE: Parking reservation request for Whittemore Park Phase 2 Construction

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The Department of Planning and Community Development would like to request that the seven parking spaces indicated in the site plan below are reserved for the use of Bautista Masonry during the construction of Phase 2 of the Whittemore Park Revitalization Plan between April 25 and July 8, 2022.

This area will be used by Bautista Masonry for a portable toilet to be used by their workers, a storage unit, and parking for their vehicles for the requested period. It will greatly facilitate the construction project and its expeditious completion.



Town of Arlington, Massachusetts

Presentation and Requested Adoption: Arlington Housing Plan

Summary:
Jennifer Raitt, Director of Planning and Community Development
Kelly Lynema, Assistant Directory, Department of Planning and Community Development

ATTACHMENTS:

	Type	File Name	Description
🗋	Reference Material	DPCD_Memo_to_Select_Board_Re_Housing_Plan.pdf	Arlington Housing Plan
🗋	Reference Material	ARB_Report_to_TM.pdf	ARB Report to TM

TOWN OF ARLINGTON
DEPARTMENT OF PLANNING and
COMMUNITY DEVELOPMENT

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

MEMORANDUM

Date: 1/31/2022
To: Arlington Select Board
From: Jennifer Raitt, Director of Planning and Community Development
Kelly Lynema, AICP Assistant Director of Planning and Community Development
cc: Adam Chapdelaine, Town Manager
Re: Arlington Housing Plan

On Monday, January 24, 2022, the Arlington Redevelopment Board (ARB) voted to adopt the Arlington Housing Plan, provided herein as an attachment to this memorandum. The Housing Plan will be presented to the Select Board for your review and adoption on Monday, February 7, 2022. If adopted by the Board, then the Town will submit the plan to the Massachusetts Department of Housing and Community Development (DHCD) for review and approval. Once fully adopted and approved, the Arlington Housing Plan replaces the Town's 2016 plan which expired in November 2021 and will be valid for five years.

Why Adopt a Housing Plan?
There are several reasons to create and adopt a Housing Plan:

- Address unmet housing needs of people who make low- and moderate-incomes;
- Influence the type, amount, and location of mixed-income and affordable housing;
- Set a numeric goal for annual housing production; and
- Possibly prevent unwanted Comprehensive Permits (40B development) through a certified plan process in favor of residential development that complies with local zoning.

The Arlington Housing Plan consists of:

- **Data:** an assessment of housing need and demand based on current data, population and development trends, and regional growth factors
- **Limitations:** an analysis of physical and regulatory development constraints
- **Locations:** identification of specific sites for housing production
- **Goals:** housing goals, including an annual numeric housing production target
- **Strategies:** implementation strategies to works towards goals

Plan Certification
When a community produces units that are affordable to households that make a low- or moderate-income totaling at least 0.5% or 1% of year-round housing units in one calendar year and in accordance with the approved plan, the plan becomes eligible for certification by DHCD. The Town had an approved Housing Production Plan in place when the Comprehensive Permit for 1165R Massachusetts Avenue was granted by the Zoning Board of Appeals. After the Comprehensive Permit was granted, DPCD filed a request to update the Town's Subsidized Housing Inventory (SHI) to reflect the addition of 124 housing

units. At the same time, DPCD requested a certification of compliance with the Town's Housing Production Plan from DHCD, as the production of 124 housing units exceeded the plan's 0.5% housing production goal of 99 units.

DHCD granted the certification, which is effective from September 17, 2021 through September 16, 2022. This means that when a new Comprehensive Permit Application is filed, the ZBA can read the certification letter at the first public hearing to demonstrate the Town's current compliance with all certification requirements. This compliance is the standard for the ZBA's decision to "deny" or "approve with conditions" any Comprehensive Permit Application to be deemed "Consistent with Local Needs" under MGL Chapter 40B.

2016 Plan Accomplishments

The DPCD has worked closely with many Town entities and community organizations for the past five years to help Arlington move forward with a range of affordable housing initiatives. Implementation of the Housing Production Plan has included moving forward with zoning amendments, policy changes, funding affordable housing developments through our Community Development Block Grant and Community Preservation Act funds, improving organizational infrastructure to make effective progress, and educating the community about housing needs and development trends. The most significant accomplishments happened in the past two years. The first is that the Housing Corporation of Arlington completed the Downing Square Broadway Initiative which will bring 48 new affordable homes to Arlington. Additionally, Arlington Town Meeting took several important steps to improve housing outcomes: adopting an Accessory Dwelling Unit zoning bylaw, establishing the Arlington Affordable Housing Trust Fund, and approving Home Rule legislation for a real estate transfer fee with the intention of funding our Trust and seizing opportunities to make housing in Arlington more affordable.

Plan Development and Engagement Process

Arlington's Housing Plan Implementation Committee (HPIC) and the Department of Planning and Community Development (DPCD) worked with Barrett Planning Group, LLC, and the Horsley Whitten Group to develop the plan, which is funded through the Community Development Block Grant (CDBG) program. Informed by data, research, and community engagement, the plan shares a vision and specific ways that Arlington can lead on providing housing options at a wider range of price points. The plan includes a comprehensive housing needs assessment, affordable housing goals, and outlines strategies for how various town departments, boards, commissions, nonprofits, and the housing authority can help achieve those goals through policy and zoning changes, new programs, and funding sources. The plan will also inform the Arlington Affordable Housing Trust Fund Action Plan and the Community Preservation Plan.

Many Arlington residents, Town departments, boards, commissions, businesses, and organizations engaged in developing the plan through a Community Questionnaire, focus groups, stakeholder interviews, outreach at the Arlington Farmer's Market, Meeting in a Box "kitchen conversation" kits, online mapping exercises, and several public forums. The DPCD co-sponsored a Community Conversation panel discussion focusing on fair housing in Arlington titled "Who Can Live Here, Who Decides, and Why?" with the Diversity, Equity and Inclusion Division of the Department of Health and Human Services during the summer. DPCD also co-sponsored an event about the experiences of non-

profit and private developers of affordable housing titled "Creating Affordable Housing: Ask the Experts" in the fall.

Additional information about the Housing Plan, including the Barrett Planning Group proposal, prior engagement activities, and the 2016 Housing Production Plan, is available on the HPIC website, or by visiting the DPCD "Projects, Plans, & Reports" page at arlingtonma.gov/planning. We are also available to answer questions about the plan.

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 7, 2022

Introduction and Overview

The Arlington Redevelopment Board (ARB) has statutory authority under 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. Additionally, 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 3/20/2024)
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. The notice was also made available on the Town's website, Robbins Library, and Department of Planning and Community Development. 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[1]. The ARB voted 5-0-0 on this report as amended at their meeting on April 7, 2022.

[1] This video was not available at the time of report publication. The video will be available here.

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Summary of Recommended Votes of the Redevelopment Board

Article Number	Date of ARB Hearing (With link to ACMi Recording)	Recommendation to Town Meeting
Article 28	March 7, 2022	Favorable Action
Article 29	March 7, 2022	Favorable Action
Article 30	March 7, 2022	Favorable Action
Article 31	March 14, 2022	Favorable Action
Article 32	March 28, 2022	Favorable Action
Article 33	March 28, 2022	Favorable Action
Article 34	March 21, 2022	Favorable Action
Article 35	March 21, 2022	Favorable Action
Article 36	March 21, 2022	Favorable Action
Article 37	March 28, 2022	Favorable Action
Article 38	March 7, 2022	Favorable Action
Article 39	March 21, 2022	Favorable Action
Article 40	March 14, 2022	No Action
Article 41	March 14, 2022	Favorable Action
Article 42	March 14, 2022	Favorable Action
Article 43	March 14, 2022	Favorable Action
Article 44	March 14, 2022	Favorable Action
Article 45	March 21, 2022	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 Article 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 vibrant building facades and activated commercial uses that encourage public engagement This Article also will provide the ARB with standards it may apply in Environmental Design Review Special Permit proceedings.

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[2]. Façades along Arlington's commercial districts are substantially shorter than the minimum of 50 to 80 feet which are appropriate for the Industrial District. For example, the façade at 190 Mass Ave (formerly Adventure Pub) is just under 25 feet, and the façade of the dual storefront at 474 and 476 Mass Ave (U Sushi Café and a vacant storefront) is 32 feet. Restaurants, such as Acitrón Cocina at 475 Mass Ave and the former Not Your Average Joes at 645 Mass Ave have 54 and 64 a foot façade, respectively. Regarding limiting the size and improving the visibility of lobbies, this amendment reflects standards from other Boston-region municipalities with mixed-use development. This Article 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 Favorable Action on Article 28 that the Zoning Bylaw be and hereby is amended as follows:

[2] 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~~.

Amend SECTION 5.5.2:

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.

(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.

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 Article 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 Article supports the Master Plan goal of addressing street tree concerns, including replacement of trees lost due to age, storms, and failed survival of newly planted trees[3]. It also coordinates tree care between the Town and property owners.

The ARB supports this Article's stated purpose to: provide adequate shade tree coverage along Arlington's main corridors; implement carbon neutral policies and climate 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 Article provides a nature-based solution to mitigate the impacts of the built environment. A 25-foot spacing is the general standard for spacing of public shade trees. 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 Favorable Action on Article 29 that the Zoning Bylaw be and hereby is amended as follows:

Amend Section 2:

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

Amend Section 6:

6.3 PUBLIC SHADE TREES

6.3.1 Purpose

The purpose of this Section 6.3 is to:

A. Provide for adequate shade tree coverage along Arlington's main corridors;

[3] Arlington Master Plan: Your Town, Your Future (2015), pg. 191.

B. Implement carbon neutral policies of the Town of Arlington;
C. Address heat island effects emanating from Arlington's main corridors;
D. Enhance public health and walkability with proper shading.

6.3.2 Applicability

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

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 Article 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" (Net Zero Action Plan, p. 18).

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" (Net Zero Action Plan, p. 18). 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 ARB 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. This Article was modeled on a similar zoning requirement in Watertown that has been implemented successfully with no problems.

Note: Some of the definitions in this Article are for terms used elsewhere in the Zoning Bylaw. That is why those definitions are not otherwise found in this Bylaw amendment.

ARB Vote and Recommendation to Town Meeting: The Redevelopment Board voted 5-0-0 to recommend Favorable 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":[4]

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.

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

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

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

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

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

Amend SECTION 6:

6.4 Solar Energy Systems

6.4.1. Requirement for Solar Energy Systems

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.

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.

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 the voting thresholds for Special Permits to be consistent with the 2021 Housing Choice Law (M.G.L. c.40A § 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 Favorable 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;

(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):

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

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

Definitions Associated with Dwelling

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

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

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

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

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

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

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

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.

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's) 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.[5] This amendment to administrative rules and processes allowed the ARB to be more responsive and to improve the special permit review process. Following a public hearing, the Redevelopment Board adopted Rules and Regulations in 2018 and they have been amended multiple times.

While the Zoning Board of Appeals (ZBA) adopted Rules and Regulations in 2020, Section 3.3 in the current Zoning Bylaw continues to outline the Board's administrative procedures. The 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 Favorable Action on Article 32 that the Zoning Bylaw be and hereby is amended as follows:

Amend Section 3.2.3:

3.2.3 Rules and Regulations

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

~~A. The Chair of the Board of Appeals, or in their absence the Acting Chair, may administer oaths, but must do so for hearings involving G.L. c. 40B, summon witnesses and call for the production of papers. All hearings shall be open to the public. The Board of Appeals and all permit and special permit granting authorities shall hold hearings and render decisions in accordance with the applicable time limitations as set forth in G.L. c. 40A §§ 9 and 15. The Board of Appeals shall cause to be made a detailed record of its proceedings which in the case of G.L. c. 40B hearings shall require that all testimony be electronically recorded, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and setting forth~~

[5] Arlington Zoning Review and Reorganization Framework, RKG Associates, February 28, 2017: https://www.arlingtonma.gov/home/showpublisheddocument/34006/636253397250700000

~~clearly the reasons for its decisions, and of its other official actions, copies of all of which shall be filed within14 days in the office of the Town Clerk and the office of the Arlington Redevelopment Board and shall 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:

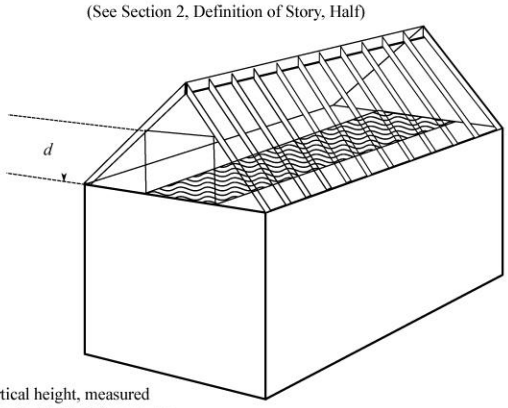
This Article was brought to the ARB by the Chair of the Zoning Board of Appeals through the Zoning Bylaw Working Group of the Master Plan Implementation Committee. The purpose of the amendment is to improve the existing definition of half story. In 2018, during recodification, the definition was updated 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. In 2021, Town Meeting approved an administrative amendment to delete an older reference to the pre-2019 definition. 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 Favorable 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.

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



d = Vertical height, measured from the finished floor to the underside of the roof framing.

Floor area where d ≥ 7 ft. For a half-story, this must be less than one-half of 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). This article clarifies that porches are subject to the provisions of Zoning Bylaw Section 5.3.9(A)and 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 Favorable Action on Article 34 that the Zoning Bylaw be and hereby is amended as follows:

Amend Section 2:

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

Amend Section 5.3.9:

5.3.9 Projections into Minimum Yards

A. Projecting eaves, chimneys, bay windows, balconies, open fire escapes, porches, and enclosed entrances not more than 25 square feet in floor area or more than one story high, which do not project more than three and one-half feet beyond the line of the foundation wall may extend beyond the minimum yard regulations otherwise provided for the district in which the structure is built. ~~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 Article 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 unenclosed and open to the elements. Currently, applicants proposing to enclose a porch are allowed to do so by-right (not needing a special permit). The Article would require that enclosing porches and other similar spaces within the required setback can only be done with a special permit.

ARB Vote and Recommendation to Town Meeting: The Redevelopment Board voted 5-0-0 to recommend Favorable 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) and with the public when reviewing special permit requests. The ZBA is the Special Permit Granting Authority hearing requests for large additions, and ultimately determines which requirement (the less or more restrictive) applies. This Article clarifies the requirement by indicating that the more restrictive requirement applies and clarifies what is included in determining the increase in gross floor area. This Article 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 Favorable Action on Article 36 that the Zoning Bylaw be and hereby is amended as follows:

Amend Section 5.4.2:

5.4.2 Dimensional and Density Requirements

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

(3) R0 District Minimum Lot Area Exception. Any lot shown on the Zoning Map as proposed by the zoning bylaw change first advertised on February 21, 1991, as being in the R0 district, and which was recorded with the Registry of Deeds on or before February 21, 1991, and which did not contain a principal building, or for which a building permit was not issued, may be built upon with a single family residential use provided that the lot contains not less than 6,000 square feet of area and 60 feet of frontage.

(4) Front Yard Minimum Lot Width Requirements and Exceptions. The minimum front yard lot width shall be 50 feet at all points between the front lot line and the nearest building wall, 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 decisions of the Building Inspector. The purpose of this Article 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 hired by the owner classified a structure as 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 otherwise be allowed. This Article clarifies that the determination must be made by the Director of Inspectional Services or their designee 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 Favorable Action on Article 37 that the Zoning Bylaw be and hereby is amended as follows:

Amend Section 8.1.5:

8.1.5 Unsafe Structure

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

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

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

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

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

Discussion:

This Article 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" (Fair Housing Action Plan, 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 interests and concerns. Three Board members in favor of the Article (Benson, Lau, and Revilak) chose to limit the maximum size of new two-family and duplex dwelling units to 1,850 square feet each, which aligns with the definition of starter homes in 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. That will continue with or without the passage of this Article. The Article, however, allows for two smaller units to be constructed instead of one single-family home, which is a better alternative to the status quo. Those two size-limited units should sell for less than one larger house, thus providing purchase options for families that would be unable to afford a larger home. The Board also believed that the rate of change would be modest, based on the rate of home replacements in Arlington during the past several years. The Board also noted the Article would not create larger buildings because the dimensional requirements in the Zoning Bylaw will remain the same and there is no change in the parking and open space requirements. The Board further noted the Article would not exceed the capacity of the town's water or sewer infrastructure (per correspondence with the Director of Public Works) or negatively affect the value of people's homes.

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~~.

The two Board members opposed to the Article (Tintocalis and Zsembery) expressed their interest in this as an innovative policy for advancing housing choice. They expressed a desire for this strategy being implemented as part of suite of comprehensive and connected amendments created to work together to advance the Housing Production Plan, MBTA Communities, or both. Further, members in opposition felt that having a real estate transfer fee in place to generate funding for affordable housing would be ideal. [6] Tintocalis also expressed a concern that this Article did not adequately address affordability for different income levels in creating additional housing choice.

All Board members expressed concern about the lack of accurate information in the public discourse and the need for more robust data-driven information to explain the Article for residents and Town Meeting members. While all members were concerned about these issues, this factor was a consideration for the two Board members who opposed the Article.

In summary, the Article would not allow for larger buildings than currently allowed by the Zoning Bylaw. The Article does not change open space requirements, setback requirements, parking requirements, or height requirements currently set forth in the R0 and R1 zoning districts. This Article is not about creating deed-restricted affordable housing; 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 Favorable Action on Article 38 as amended that the Zoning Bylaw be and hereby is amended as follows:

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.

[6] Town Meeting passed a Home Rule petition in 2021to allow Arlington to Establish a Real Estate Transfer Fee for Property in the Town of Arlington. The bill (H.4295) was filed, had a hearing with the committee on Revenue, and was reported out favorably in March 2022 and referred to the committee on House Steering, Policy and Scheduling.

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~~.

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

5.4.3 Use Regulations for Residential Districts

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

**** 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 Article 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 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 a 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 Article, all other dimensional requirements would remain the same, including

setbacks, open space, building height maximums, step backs, minimum parking requirements, 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 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"* (Arlington Redevelopment Board Goals - September 2021 through June 2022, p.1).

Board members voting affirmatively on this Article (Benson, Lau, Revilak, and Zsembery) conveyed that it would encourage more redevelopment and mixed use in the commercial corridors by eliminating an impediment to development at a scale that is otherwise permitted by the Zoning Bylaw and identified as desirable in the Master Plan. Further, it will support ground floor retail and commercial activity, especially in tandem with Article 28. Lastly, continent 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 Article (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 Favorable Action on Article 39 that the Zoning Bylaw be and hereby is amended as follows:

B District Building Height and Floor Area Ratio Regulations	
	Maximum Allowed
District Use	**Maximum Floor Area Ratio (FAR)**
B2	
Mixed-use <= 20,000 sq. ft.	~~1.50~~ 3.00
Mixed-use > 20,000 sq. ft.	~~1.00~~ 2.00
B2A	
Mixed-use <= 20,000 sq. ft.	~~1.50~~ 3.00
Mixed-use > 20,000 sq. ft.	~~1.00~~ 2.00
B3	
Mixed-use <= 20,000 sq. ft.	~~1.50~~ 3.00
Mixed-use > 20,000 sq. ft.	~~1.40~~ 2.80
B4	
Mixed-use <= 20,000 sq. ft.	~~1.50~~ 3.00
Mixed-use > 20,000 sq. ft.	~~1.00~~ 2.00
B5	
Mixed-use <= 20,000 sq. ft.	~~1.80~~ 3.00
Mixed-use > 20,000 sq. ft.	~~1.40~~ 2.80

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 rezoning four parcels that are now zoned residential 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" (Arlington Redevelopment Board Goals - September 2021 through June 2022, p.1). The ARB is focused on addressing zoning in the business districts more broadly than this amendment proposes, 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. ARB members noted that the current zoning districts along Massachusetts Avenue and Broadway do not reflect or communicate a forward-looking plan for future development. Board members appreciated the opportunity to discuss this Article 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.

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 Article 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. Research as part of both the 2016 Housing Production Plan and the 2019 Perfect Fit Parking Initiative issued by the Metropolitan Area Planning Council and multiple surveys found that many existing apartment buildings have more parking than necessary, leading to an oversupply of spaces.

This Article 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.

By reducing the minimum 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.

Note: This amendment does not change the parking requirement for public housing for the elderly.

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 Favorable Action on Article 41 that the Zoning Bylaw be and hereby is amended as follows:

Section 6.1.4 Table of Off-Street Parking Regulations	
Use	**Minimum Number of Spaces**
Residential Uses	
Single-, two-, or three-family dwelling, or apartment building, except for public housing for the elderly	1 space per dwelling unit
~~Apartment building~~ Public housing for the elderly	~~1 space per efficiency dwelling unit;~~ ~~1.15 space per 1 bedroom dwelling unit;~~ ~~1.5 spaces per 2 bedroom dwelling unit;~~ ~~And 2 spaces per 3 or more bedroom dwelling unit;~~ ~~And~~ 1 space per 5 units ~~of public housing or the elderly~~.

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

ARTICLE 42 ZONING BYLAW AMENDMENT / OPEN SPACE USES

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

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

Discussion:

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. This amendment only removes the redundant requirement for an applicant to also seek special permit approval from Arlington Redevelopment Board or Zoning Board of Appeals, which streamlines the approval process

ARB Vote and Recommendation to Town Meeting: The Redevelopment Board voted 5-0-0 to recommend Favorable Action on Article 42 that the Zoning Bylaw be and hereby is amended as follows:

Section 5.6.3 Use Regulations for MU, PUD, I, T, and OS Districts					
Class of Use	**MU**	**PUD**	**I**	**T**	**OS**
Accessory Uses					
Temporary food or beverage concession for or not for profit ~~at an event~~		Y	Y		~~SP~~ Y
Fundraising event conducted by an Arlington based non-profit organization, with no automated amusements	Y	Y	Y		~~SP~~ Y
Temporary outdoor recreation, for or not for profit					Y
Temporary cultural arts and/or entertainment activity for or not for profit					Y

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."[7]

The ARB supports this Article to clarify who receives a notification of a petition for a change to the zoning map. This Article 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 Favorable Action on Article 43 that the Zoning Bylaw be and hereby is amended as follows:

Section 1.5:

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.

[7] 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 burden on small restaurants seeking to locate in town from needing to apply for a Special Permit by increasing the square footage threshold 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.

This Article 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 Article (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 restauranteurs to open restaurants in town. Board members noted that of all commercial industries, restaurants are the most regulated. In Arlington, restaurants must submit applications 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 Article (Benson) believes that the petitioner did not adequately demonstrate that the current 2,000 square foot threshold is and has previously been an impediment to new restaurants or show that ARB review adds no value to the current regulatory process.

ARB Vote and Recommendation to Town Meeting: The Redevelopment Board voted 4-1-0 to recommend Favorable Action on Article 44 as amended that the Zoning Bylaw be and hereby is amended as follows:

Section 5.5.3: Use Regulations for Business Districts						
Class of Use	**B1**	**B2**	**B2A**	**B3**	**B4**	**B5**
Eating & Drinking Establishments						
Restaurant						
<~~2,000~~ 3,000 sq. ft. gross floor area	SP	Y	Y	Y	Y	Y
=> ~~2,000~~ 3,000 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 Article. Following consultation with Town Counsel, the Board concluded that their primary concerns were that 1) this amendment may be 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 the Building Inspector's handling of any complaint can write the Town Manager to request additional action. Changes proposed under Article 45 would put 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 and the ZBA cannot be in a position of requiring the Town to file litigation. Board members noted that this Article introduces new avenues for litigation by or against the Town that 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

Discussion & Endorsement: Revised ARPA Framework

Summary:
Adam W. Chapdelaine, Town Manager

ATTACHMENTS:

	Type	File Name	Description
🗋	Reference Material	Draft_Vote_ARPA_04_20_2022.pdf	Draft Vote
🗋	Reference Material	Copy_of_ARPA_Framework_Updated_4_13_22_New_Revenue.pdf	Copy of ARPA Framework
🗋	Reference Material	Premium_Pay_Memo.pdf	Premium Pay Memo
🗋	Reference Material	ARPA_requests_-_summary_-_AHA-FL_AE_CoC.pdf	ARPA Requests
🗋	Reference Material	ARPAhhs_Final.pdf	ARPA HHS

Proposed Vote for Select Board Consideration - ARPA Framework

April 20, 2022

Motion: That the Arlington Select Board endorses the following expenditures by category and the implementation of programs recommended within each category per memorandum provided to the Board by relevant Town departments:

Revenue Loss/General Fund - **$10,000,000 (Revised)**

Public Health - **$920,069 (Revised)**

Equity & Outreach - **$393,000 (Revised)**

Premium Pay for Town/School Essential Workers - **$4,059,562 (Revised)**

Premium Pay for Private Sector Essential Workers - **$0 (Revised)**

Behavioral Health Support - **$610,000 (Revised)**

Low Income Broadband Support - **$0 (Revised)**

Small Business/Non-Profit Assistance - **$1,500,000 (Same as Prior Endorsement)**

Chamber of Commerce Support - **$120,000 (New)**

Tenant Assistance - **$1,000,000 (Same as Prior Endorsement)**

Providing Food Security - **$832,500 (Revised)**

FoodLink - $450,000 (Revised)

Arlington EATS - $232,500 (Revised)

Providing Food Security Reserve - $150,000 (Revised)

Investment in Parks & Open Spaces - **$3,250,000 (Revised)**

Water & Sewer Spending - **$3,219,000 (Revised)**

Affordable Housing AHA - **$2,654,000 (Revised)**

Arlington Housing Authority Capital - $2,505,000 (Revised)

Arlington Housing Authority Transportation - $35,000 (Same as Prior Endorsement)

Arlington Housing Authority Resident Support Services - $114,000 (Revised)

Remote/Hybrid Meeting Infrastructure - **$300,000 (New)**

Administration, Oversight & Communications- **$570,198 (Revised)**

And that further, the Arlington Select Board endorses the following allocations by category, with the understanding that further endorsement will be sought following the development and presentation of programmatic details for each of the categories:

HVAC Improvements - **$2,250,000 (Same as Prior Endorsement)**

Affordable Housing - **$3,000,000 (Revised)**

Affordable Housing Unit Production - $3,000,000 (Revised)

Deepening Affordability of Units in Pipeline - $0 (Revised)

Homelessness - **$569,564 (Revised Total, $50,000 already endorsed by Board vote in August)**

	Fiscal Year 22 (7/1/21 - 6/30/22)	Fiscal Year 23 (7/1/22 - 6/30/23)	Fiscal Year 24 (7/1/23 - 6/30/24)	Fiscal Year 25 (7/1/24 - 12/31/24)	Total
Category					
Revenue Loss/General Fund	$0	$5,000,000	$5,000,000	$0	$10,000,000
Public Health	$212,274	$324,295	$268,000	$115,500	$920,069
Equity & Outreach (Inclusive of Translation Services)	$100,000	$105,000	$108,000	$80,000	$393,000
Premium Pay For Town/School Essential Workers	$4,059,562	$0	$0	$0	$4,059,562
Premium Pay for Private Sector Essential Workers	$0				$0
Behavioral Health Support	$200,000	$195,000	$140,000	$75,000	$610,000
Low Income Broadband Support	$0	$0	$0	$0	$0
Small Business/Non-Profit Assistance	$750,000	$750,000	$0	$0	$1,500,000
Chamber of Commerce Support	$120,000				$120,000
Tenant Assistance	$250,000	$750,000	$0	$0	$1,000,000
Providing Food Security					
FoodLink	*$250,000*	*$100,000*	*$100,000*		$450,000
Arlington EATS	*$28,000*	*$99,500*	*$105,000*		$232,500
Food Security Reserve	*$50,000*	*$50,000*	*$50,000*	*$0*	$150,000
Providing Food Security Total	$328,000	$249,500	$255,000	$0	$832,500
HVAC Improvements	$750,000	$500,000	$500,000	$500,000	$2,250,000
Investment in Parks & Open Spaces	$1,100,000	$1,100,000	$1,050,000		$3,250,000
Water/Sewer Spending	$1,600,000	$619,000	$500,000	$500,000	$3,219,000
Affordable Housing					
Arlington Housing Authority Capital	*$1,005,000*	*$1,500,000*	*$0*	*$0*	*$2,505,000*
Arlington Housing Authority Transportation	*$35,000*				*$35,000*
Arlington Housing Authority Resident Support Services	*$38,000*	*$38,000*	*$38,000*	*$0*	*$114,000*
Affordable Housing Unit Production	*$500,000*	*$1,250,000*	*$1,250,000*	*$0*	*$3,000,000*
Deepening Affordability of Units in Pipeline	*$0*	*$0*	*$0*	*$0*	*$0*
Affordable Housing Total	$1,578,000	$2,788,000	$1,288,000	$0	$5,654,000
Homelessness	$300,000	$200,000	$69,564	$0	$569,564
Remote/Hybrid Meeting Infrastructure	$300,000				$300,000
Administration, Oversight & Communications	$145,198	$175,000	$150,000	$100,000	$570,198
Total	**$11,793,034**	**$12,755,795**	**$9,328,564**	**$1,370,500**	**$35,247,893**

Potential Total ARPA Funds	**$35,247,893**
Potential Balance	**$0**

Town of Arlington
Office of the Town Manager

Sanford M. Pooler
Deputy Town Manager

730 Massachusetts Avenue
Arlington MA 02476-4908
Phone (781) 316-3010
Fax (78l) 316-3019
E-mail: spooler@town.arlington.ma.us
Website: www.arlingtonma.gov

TO: Adam Chapdelaine, Town Manager

FROM: Sandy Pooler, Deputy Town Manager/Finance Director

DATE: April 14, 2022

RE: Premium Pay to Date

The following chart shows are actual premium pay and vaccination incentive payments to date.

Union	Premium Pay Total	Average Per Employee	Emp. Total Vax	Vaccine Incentive
AFSCME	$630,389	$4,812	134	$67,000
Fire	$392,500	$5,607	51	$25,500
Librarians	$14,971	$3,743	14	$7,000
Non-Union	$100,000	$4,545	45	$22,500
Patrol	$208,500	$5,487	44	$22,000
Rank	$94,000	$5,529	In Patrol #	
SEIU	$126,000	$5,478	24	$12,000
School*	$1,789,202	TBD	1096	$548,000
	$3,355,562			$704,000
			Grand Total	**$4,059,562**

*School Department figures require final verification and reconciliation.

We have spent $1,566,360 on Town employees and estimate that we will spend an additional $1.8 - $1.9 million on School employee premium pay. The School Department is finalizing its premium pay and vaccination payment figures this week.

The average payment by union varies, mostly because some unions had more member who worked in person less than the full 12 months of our payment period.

In the two righthand columns, I show the vaccination payments by union. These are approximations, because our payments were made not by union, but in three tranches with no union designation. I inserted good faith approximations.

In total, we will have spent slightly more than our original $4 million estimate on these payments.

Arlington ARPA Requests - Summary

		Calendar Year 2022	Calendar Year 2023	Calendar Year 2024	
Food Link					
Strategic Planning		$50,000			
Development Planning		$50,000			
Operations Staffing		$65,000	$65,000	$65,000	
Budget Stablization		$85,000	$35,000	$35,000	
	Totals	$250,000	$100,000	$100,000	$450,000
Arlington EATS					
Needs Assessment		$15,000			
Admin Staff		$13,000			
Part-time driver			$12,000		
Program Staff (.75 FTE)			$37,500		
Hunger Free Arlington strategic planning			$50,000		
Part-time Social Worker				$50,000	
Social Service Support Program				$55,000	
	Totals	$28,000	$99,500	$105,000	$232,500
Chamber of Commerce					
Business Recruiting/Economic Development		$40,000			
Programming/Education		$40,000			
Membership Engagement Coordinate (P/T)		$40,000			
		$120,000			$120,000
Arlington Housing Authority					
Capital Improvements - windows		$1,000,000	$1,500,000		
Resident Support Services		$38,000	$38,000	$38,000	
Transportation (van)		$35,000			
Rain barrels/raised garden beds		$5,000			
	Totals	$1,078,000	$1,538,000	$38,000	$2,654,000

Category	Fiscal Year 22	Fiscal Year 23	Fiscal Year 24	Fiscal Year 25	Total
Public Health					
Nurse (Kerr)	$ 43,134	$ 47,000	$ 48,000	$ 25,000	$ 163,134
Nurse (Contract w/Belmont)	$ 28,800	$ 75,000	$ 75,000	$ 32,500	$ 211,300
Staff COVID stipends FY22	$ 55,340				
Health Compliance Officer (Curbow)		$ 67,295	$ 70,000	$ 38,000	$ 175,295
Testing	$ 75,000	$ 25,000	$ 15,000	$ 15,000	$ 130,000
PPE					$ -
Vaccination		$ 10,000	$ 10,000	$ 5,000	$ 25,000
PH System Improvements (Accreditation)		$ 50,000			$ 50,000
Infrastructure (IT reporting systems)	$ 10,000	$ 50,000	$ 50,000		$ 110,000
					$ -
TOTAL	$ 212,274	$ 324,295	$ 268,000	$ 115,500	$ 920,069
Behavioral Health					$ -
AYCC Subsidy	$ 100,000	$ 100,000	$ 100,000	$ 50,000	$ 350,000
Behavioral Health Reserve					$ -
Recovery Program	$ 12,000	$ 30,000	$ 30,000	$ 15,000	$ 87,000
Community Comfort Dog		$ 20,000			$ 20,000
CIT Training	$ 80,000	$ 20,000			$ 100,000
Mental Health Training	$ 8,000	$ 25,000	$ 10,000	$ 10,000	$ 53,000
					$ -
TOTAL	$ 200,000	$ 195,000	$ 140,000	$ 75,000	$ 610,000
DEI					
Equity audit, plan and implementation	$ 100,000	$ 50,000	$ 50,000	$ 50,000	$ 250,000
Outreach and Engagement Coordinator		$ 55,000	$ 58,000	$ 30,000	$ 143,000
TOTAL	$ 100,000	$ 105,000	$ 108,000	$ 80,000	$ 393,000

Town of Arlington, Massachusetts

Parking Issues on Westminster Avenue

Summary:
Doug Crevensten, 151 Westminster Avenue

ATTACHMENTS:

	Type	File Name	Description
🗋	Reference Material	CR_D.Crevensten.pdf	Reference

From: Douglas Crevensten <d.crevensten@gmail.com>
To: lcosta@town.arlington.ma.us
Date: 04/06/2022 07:08 PM
Subject: Fwd: Parking Issue Reheat

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

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

Hi Loren - Below is a copy of the email I sent to town officials in January requesting a meeting to discuss overnight parking on Westminster Avenue. Hopefully we can do this sometime soon. Thanks!
Doug Crevensten

---------- Forwarded message ---------
From: Douglas Crevensten <d.crevensten@gmail.com>
Date: Thu, Jan 20, 2022 at 12:58 PM
Subject: Parking Issue
To: <SDeCourcey@town.arlington.ma.us>, <EHelmuth@town.arlington.ma.us>, <JHurd@town.arlington.ma.us>, <DMahon@town.arlington.ma.us>
Cc: <mkrepelka@town.arlington.ma.us>

Doug Crevensten

151 Westminster Ave.

Arlington, MA 02474

January 17, 2022

Selectmen of Arlington:

Stephan DeCourcey, Chair

Lenard Diggins

Eric Helmuth

John Hurd

Diane Mahon

Dear Selectmen,

I have an issue about parking I'd like to bring to your attention, and suggest a way to address this issue.

The problem is that cars parked on the East side of Westminster Avenue are ticketed as parking on a sidewalk, even though no sidewalk exists there and never has. Yes, somewhere there is a yellowed map showing a sidewalk, and perhaps in the distant future we will have a sidewalk, albeit one with telephone poles in the middle. No argument this would be an improvement to the muddy verge we now have.

I and a few other affected parkers would like to meet with the appropriate official town group to discuss our concerns and possible solutions. I can be contacted at 907-750-4211 or d.crevensten@gmail.com. Thank you for your attention to this request.

Doug Crevensten

151 Westminster

--
1302 Gilmore Trail
Fairbanks, Alaska 99712

--
1302 Gilmore Trail
Fairbanks, Alaska 99712

NEW BUSINESS

Town of Arlington, Massachusetts

Next Scheduled Meeting of Select Board April 25, 2022

Summary:
You are invited to a Zoom webinar.
When: Apr 20, 2022 07:00 PM Eastern Time (US and Canada)
Topic: Select Board Meeting
Register in advance for this webinar:
https://town-arlington-ma-us.zoom.us/webinar/register/WN_4rs0j6lYTRSV4TJDJvmw0w
After registering, you will receive a confirmation email containing information about joining the webinar.

Notice to the Public on meeting privacy In the interests of preventing abuse of videoconferencing technology (i.e. Zoom Bombing) all participants, including members of the public, wishing to engage via the Zoom App must register for each meeting and will notice multi-step authentication protocols. Please allow additional time to join the meeting. Further, members of the public who wish to participate without providing their name may still do so by telephone dial-in information provided above.
Documents regarding agenda items will be made available via Novus Agenda and the Town's Website.