



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

### **Agenda & Meeting Notice September 12, 2022**

Per Board Rules and Regulations, public comments will be accepted during the public comment periods designated on the agenda. Written comments may be provided by email to [klynema@town.arlington.ma.us](mailto:klynema@town.arlington.ma.us) by September 12, 2022 at 4:00 p.m. The Board requests that correspondence that includes visual information should be provided by September 9, 2022 at 12:00 p.m.

The Arlington Redevelopment Board will meet Monday, September 12, 2022 at 7:30 PM in the **Arlington Community Center, Main Hall, 27 Maple Street, Arlington, MA 02476**

#### **1. MBTA Communities Update**

7:30 p.m. DPCD Assistant Director will share an overview of updated DHCD guidelines and anticipated next steps.

#### **2. ARB Retreat Planning**

8:00 p.m. Board to finalize date and time of retreat and discuss retreat agenda.

#### **3. Meeting Minutes**

8:30 p.m. Meeting Minutes (4/25, 4/27, 5/2, 5/4, 5/16, 5/23, 6/27, 7/11, 7/25)  
Board will review and approve meeting minutes.

#### **4. Open Forum**

8:45 p.m. Except in unusual circumstances, any matter presented for consideration of the Board shall neither be acted upon, nor a decision made the night of the presentation. There is a three minute time limit to present a concern or request.

#### **5. Adjourn**

9:00 p.m. Estimated time for adjournment



## Town of Arlington, Massachusetts

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### MBTA Communities Update

#### Summary:

7:30 p.m. DPCD Assistant Director will share an overview of updated DHCD guidelines and anticipated next steps.

#### ATTACHMENTS:

Type	File Name	Description
▣ Reference Material	MBTA_multifamily_Sep_2022_-_ARB_9-12-2022.pptx	MBTA Communities Presentation
▣ Reference Material	Agenda_Item_1_Final_Section_3A_Guidelines_8-10-22.pdf	Compliance Guidelines for Multi-Family Zoning Districts Under Section 3A of the Zoning Act

# MBTA COMMUNITIES

Zoning Requirements, Timelines, Eligibility  
Under Revised DHCD Guidelines



**Arlington, MA**

Presented to the Arlington Redevelopment Board: 9/12/22  
By Town of Arlington Department of Planning and Community Development

# MBTA COMMUNITIES

1

Legislation

2

DHCD  
Guidelines

3

Climate Law  
Pilot Program

4

Timeline

5

Discussion and  
questions



To be eligible for funding from MassWorks,  
Local Capital Projects Fund, or Housing Choice  
Initiative, an MBTA Community shall have...

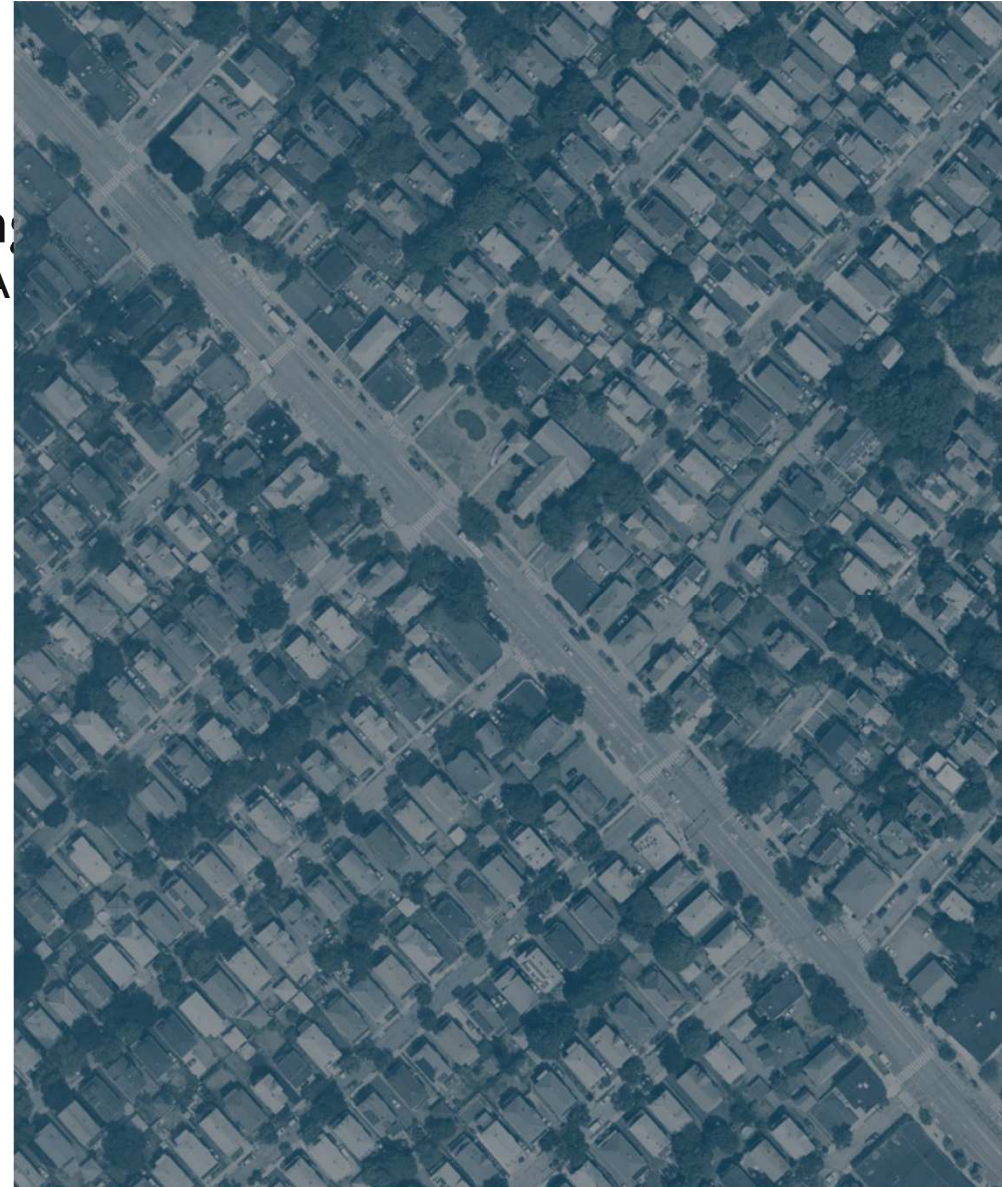
“at least one zoning district of reasonable size  
in which multi-family housing is permitted  
as of right.”

—ECONOMIC DEVELOPMENT BOND BILL (PARTNERSHIPS FOR GROWTH), JANUARY 2021

## Multi-Family Zoning

codified in Section 3A

- At least one district *of reasonable size*
- Multifamily housing permitted as of right
- No age restrictions; suitable for families with children
- Minimum gross density of 15 units/acre
- Not more than ½ miles from a subway station or bus station



# 2

## DHCD FINAL GUIDELINES

What's new, what's different, and what it means for Arlington

# WHAT HAS CHANGED?



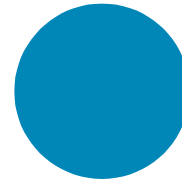
Revised  
community  
categories



Capacity



"Reasonable  
size" criteria



District  
location  
requirements



Incentives\*

\*Not a component of  
DHCD guidelines



# WHAT HAS CHANGED?

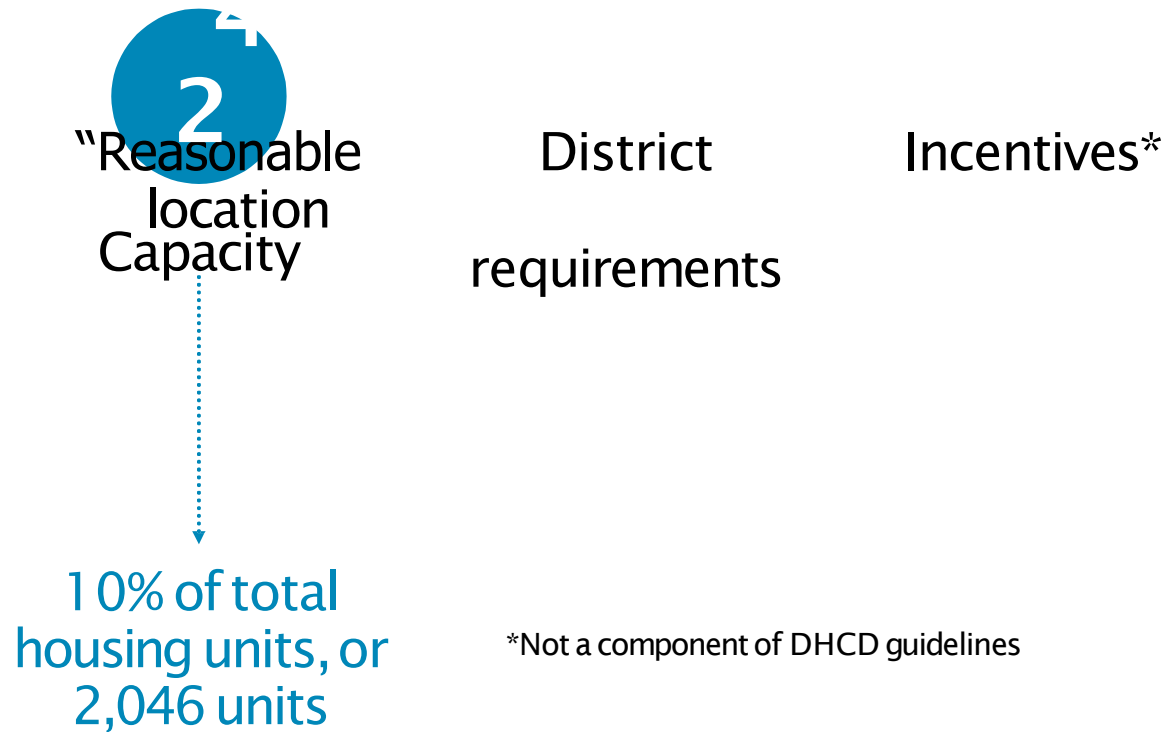


Revised  
community  
categories

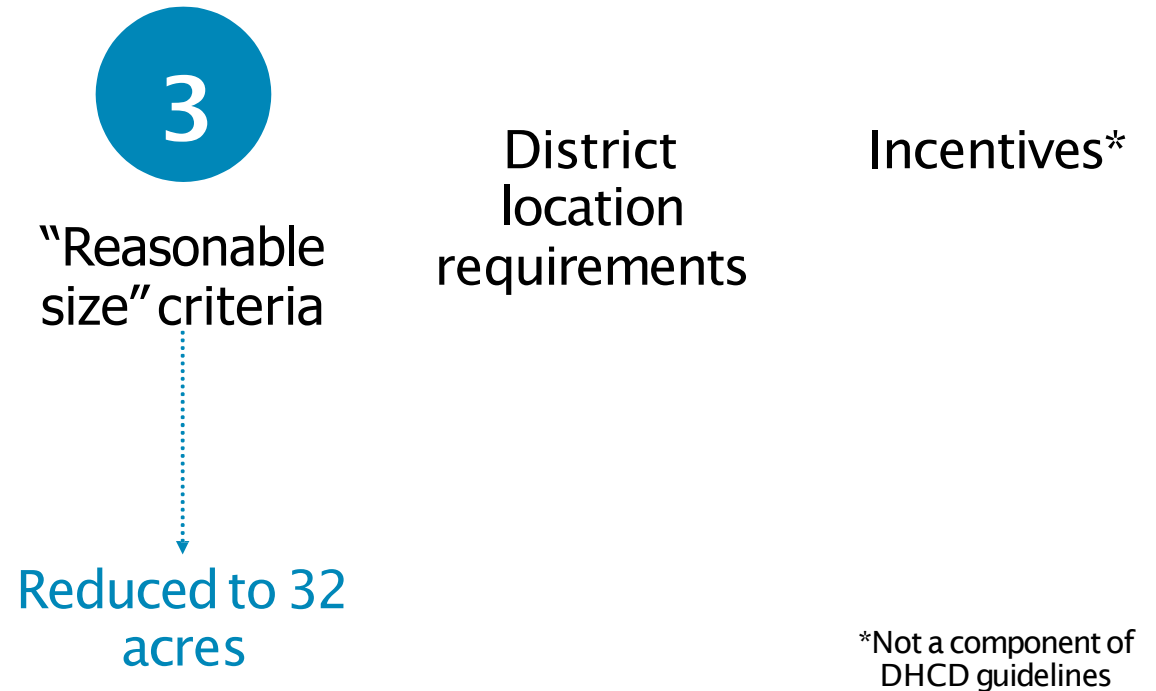


Arlington is now  
an “adjacent”  
community

# WHAT HAS CHANGED?



# WHAT HAS CHANGED?



# WHAT HAS CHANGED?



District  
location  
requirements



0% required to be  
within ½ mile of  
Alewife

Incentives\*

\*Not a component of  
DHCD guidelines

# WHAT HAS CHANGED?



Incentives\*



Participation in  
Fossil Fuel Ban  
pilot program

\*Not a component of  
DHCD guidelines

## MGL C. 40A SECTION 3A

- At least one district *of reasonable size*
- Multifamily housing permitted as of right
- No age restrictions; suitable for families with children
- Minimum gross density of 15 units/acre
- Not more than ½ miles from a subway station or bus station

## GUIDELINES

- Minimum 32 acres
- Building with 3+ residential dwelling units
- No age restrictions or bedroom limits in zoning
- Capacity for 2,046 units
- District(s) must be at least 5 contiguous acres; recommended location along transit corridors and commercial centers

# OTHER NOTABLE UPDATES

## Site Plan Review

- Can require site plan review for as-of-right multifamily uses
- Should not impose unreasonable requirements or undue delay on proposed projects

## Affordability

- Up to 10% at 80% AMI or
- Up to 20% under 40R district or if local affordability requirements predate enactment of Section 3A (DHCD approval required)

## Local Requirements

- Cannot require multifamily housing to meet higher energy efficiency standards than other uses
- Cannot require multifamily housing to be combined with commercial or other uses as part of a single project

**By complying with MBTA**

**Communities legislation,  
Arlington would remain  
eligible for funding from...**

**And can participate in**

**\$ MassWorks Infrastructure  
Program**

**\$ Housing Choice Initiative**

**\$ Local Capital Projects Fund**

**MA Clean Energy Law Pilot  
Program**



# 3

## MA CLEAN ENERGY LAW

MBTA Communities and the Fossil Fuel Ban Pilot Program

# 3

## Arlington's participation in pilot program

### STM 2020

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Article 5, "Fossil Fuel Ban", approved by 92% of TMMs (225-18)

Home Rule Legislation to allow Town to restrict new fossil fuel infrastructure

Impacts new buildings and major renovation

### New Climate Law

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In August, Gov. Baker signed "Act Driving Clean Energy and Offshore Wind" bill into law.

Allows Arlington to participate in pilot program *IF* Town meets a stated inclusionary housing policy by January, 2024

### Requirements

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Inclusionary housing policy must be met:

- 10% of total housing units are on SHI
- Compliance with MBTA Communities

4

# TIMELINE

to remain in compliance as a MBTA Community



# 4

## Timeline

### September, 2023

DHCD releasing Compliance Model

DPCD applying for technical assistance for MBTA Communities planning, outreach, and engagement

### January 31, 2023

Deadline for Action Plan submission to DHCD

### December 31, 2024

Deadline for TM to approve MBTA Communities Zoning

Must be approved by January, 2024 to participate in fossil fuel ban pilot program

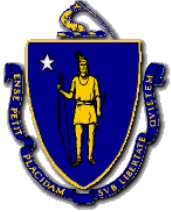
# MBTA COMMUNITIES

Zoning Requirements, Timelines, Eligibility



**Arlington, MA**

Presented to the Arlington Redevelopment Board: 9/12/22 19



# Commonwealth of Massachusetts

## DEPARTMENT OF HOUSING & COMMUNITY DEVELOPMENT

Charles D. Baker, Governor ♦ Karyn E. Polito, Lt. Governor ♦ Jennifer D. Maddox, Undersecretary

Issue Date: August 10, 2022

### **Compliance Guidelines for Multi-family Zoning Districts** **Under Section 3A of the Zoning Act**

#### **1. Overview of Section 3A of the Zoning Act**

Section 3A of the Zoning Act provides: *An MBTA community shall have a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right; provided, however, that such multi-family housing shall be without age restrictions and shall be suitable for families with children. For the purposes of this section, a district of reasonable size shall: (i) have a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A; and (ii) be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.*

The purpose of Section 3A is to encourage the production of multi-family housing by requiring MBTA communities to adopt zoning districts where multi-family housing is allowed as of right, and that meet other requirements set forth in the statute.

The Department of Housing and Community Development, in consultation with the Massachusetts Bay Transportation Authority and the Massachusetts Department of Transportation, is required to promulgate guidelines to determine if an MBTA community is in compliance with Section 3A. DHCD promulgated preliminary guidance on January 29, 2021. DHCD updated that preliminary guidance on December 15, 2021, and on that same date issued draft guidelines for public comment. These final guidelines supersede all prior guidance and set forth how MBTA communities may achieve compliance with Section 3A.

#### **2. Definitions**

“Adjacent community” means an MBTA community that (i) has within its boundaries less than 100 acres of developable station area, and (ii) is not an adjacent small town.

“Adjacent small town” means an MBTA community that (i) has within its boundaries less than 100 acres of developable station area, and (ii) either has a population density of less than 500 persons per square mile, or a population of not more than 7,000 year-round residents as determined in the most recently published United States Decennial Census of Population and Housing.

“Affordable unit” means a multi-family housing unit that is subject to an affordable housing restriction with a term of no less than 30 years and eligible for inclusion on DHCD’s Subsidized Housing Inventory.

“Age-restricted housing” means any housing unit encumbered by a title restriction requiring a minimum age for some or all occupants.

“As of right” means development that may proceed under a zoning ordinance or by-law without the need for a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval.

“Bus station” means a location with a passenger platform and other fixed infrastructure serving as a point of embarkation for the MBTA Silver Line. Upon the request of an MBTA community, DHCD, in consultation with the MBTA, may determine that other locations qualify as a bus station if (i) such location has a sheltered platform or other fixed infrastructure serving a point of embarkation for a high-capacity MBTA bus line, and (ii) the area around such fixed infrastructure is highly suitable for multi-family housing.

“Commuter rail community” means an MBTA community that (i) does not meet the criteria for a rapid transit community, and (ii) has within its borders at least 100 acres of developable station area associated with one or more commuter rail stations.

“Commuter rail station” means any MBTA commuter rail station with year-round, rather than intermittent, seasonal, or event-based, service, including stations under construction and scheduled to being service before the end of 2023, but not including existing stations at which service will be terminated, or reduced below regular year-round service, before the end of 2023.

“Compliance model” means the model created by DHCD to determine compliance with Section 3A’s reasonable size, gross density, and location requirements. The compliance model is described in further detail in Appendix 2.

“Determination of compliance” means a determination made by DHCD as to whether an MBTA community has a multi-family zoning district that complies with the requirements of Section 3A. A determination of compliance may be determination of interim compliance or a determination of district compliance, as described in section 9.

“Developable land” means land on which multi-family housing can be permitted and constructed. For purposes of these guidelines, developable land consists of: (i) all privately-owned land except lots or portions of lots that meet the definition of excluded land, and (ii) developable public land.

“Developable public land” means any publicly-owned land that (i) is used by a local housing authority; (ii) has been identified as a site for housing development in a housing production plan approved by DHCD; or (iii) has been designated by the public owner for disposition and redevelopment. Other publicly-owned land may qualify as developable public land if DHCD determines, at the request of an MBTA community and after consultation with the public owner, that such land is the location of obsolete structures or uses, or otherwise is suitable for conversion to

multi-family housing, and will be converted to or made available for multi-family housing within a reasonable period of time.

“Developable station area” means developable land that is within 0.5 miles of a transit station.

“DHCD” means the Department of Housing and Community Development.

“EOHED” means the Executive Office of Housing and Economic Development.

“Excluded land” means land areas on which it is not possible or practical to construct multi-family housing. For purposes of these guidelines, excluded land is defined by reference to the ownership, use codes, use restrictions, and hydrological characteristics in MassGIS and consists of the following:

- (i) All publicly-owned land, except for lots or portions of lots determined to be developable public land.
- (ii) All rivers, streams, lakes, ponds and other surface waterbodies.
- (iii) All wetland resource areas, together with a buffer zone around wetlands and waterbodies equivalent to the minimum setback required by title 5 of the state environmental code.
- (iv) Protected open space and recreational land that is legally protected in perpetuity (for example, land owned by a local land trust or subject to a conservation restriction), or that is likely to remain undeveloped due to functional or traditional use (for example, cemeteries).
- (v) All public rights-of-way and private rights-of-way.
- (vi) Privately-owned land on which development is prohibited to protect private or public water supplies, including, but not limited to, Zone I wellhead protection areas and Zone A surface water supply protection areas.
- (vii) Privately-owned land used for educational or institutional uses such as a hospital, prison, electric, water, wastewater or other utility, museum, or private school, college or university.

“Ferry terminal” means the location where passengers embark and disembark from regular, year-round MBTA ferry service.

“Gross density” means a units-per-acre density measurement that includes land occupied by public rights-of-way and any recreational, civic, commercial, and other nonresidential uses.

“Housing suitable for families” means housing comprised of residential dwelling units that are not age-restricted housing, and for which there are no zoning restriction on the number of bedrooms, the size of bedrooms, or the number of occupants.

“Listed funding sources” means (i) the Housing Choice Initiative as described by the governor in a message to the general court dated December 11, 2017; (ii) the Local Capital Projects Fund established in section 2E of chapter 29; and (iii) the MassWorks infrastructure program established in section 63 of chapter 23A.



“Lot” means an area of land with definite boundaries that is used or available for use as the site of a building or buildings.

“MassGIS data” means the comprehensive, statewide database of geospatial information and mapping functions maintained by the Commonwealth's Bureau of Geographic Information, within the Executive Office of Technology Services and Security, including the lot boundaries and use codes provided by municipalities.

“MBTA” means the Massachusetts Bay Transportation Authority.

“MBTA community” means a city or town that is: (i) one of the 51 cities and towns as defined in section 1 of chapter 161A; (ii) one of the 14 cities and towns as defined in said section 1 of said chapter 161A; (iii) other served communities as defined in said section 1 of said chapter 161A; or (iv) a municipality that has been added to the Massachusetts Bay Transportation Authority under section 6 of chapter 161A or in accordance with any special law relative to the area constituting the authority.

“Multi-family housing” means a building with 3 or more residential dwelling units or 2 or more buildings on the same lot with more than 1 residential dwelling unit in each building.

“Multi-family unit capacity” means an estimate of the total number of multi-family housing units that can be developed as of right within a multi-family zoning district, made in accordance with the requirements of section 5.b below.

“Multi-family zoning district” means a zoning district, including a base district or an overlay district, in which multi-family housing is allowed as of right; provided that the district shall be in a fixed location or locations, and shown on a map that is part of the zoning ordinance or by-law.

“One Stop Application” means the single application portal for the Community One Stop for Growth through which (i) the Executive Office of Housing and Economic Development considers requests for funding from the MassWorks infrastructure program; (ii) DHCD considers requests for funding from the Housing Choice Initiative, (iii) EOHED, DHCD and other state agencies consider requests for funding from other discretionary grant programs.

“Private rights-of-way” means land area within which private streets, roads and other ways have been laid out and maintained, to the extent such land areas can be reasonably identified by examination of available tax parcel data.

“Publicly-owned land” means (i) any land owned by the United States or a federal agency or authority; (ii) any land owned by the Commonwealth of Massachusetts or a state agency or authority; and (iii) any land owned by a municipality or municipal board or authority.

“Public rights-of-way” means land area within which public streets, roads and other ways have been laid out and maintained, to the extent such land areas can be reasonably identified by examination of available tax parcel data.

“Rapid transit community” means an MBTA community that has within its borders at least 100 acres of developable station area associated with one or more subway stations, or MBTA Silver Line bus rapid transit stations.

“Residential dwelling unit” means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

“Section 3A” means section 3A of the Zoning Act.

“Sensitive land” means developable land that, due to its soils, slope, hydrology, or other physical characteristics, has significant conservation values that could be impaired, or vulnerabilities that could be exacerbated, by the development of multi-family housing. It also includes locations where multi-family housing would be at increased risk of damage caused by flooding. Sensitive land includes, but is not limited to, wetland buffer zones extending beyond the title 5 setback area; land subject to flooding that is not a wetland resource area; priority habitat for rare or threatened species; DEP-approved wellhead protection areas in which development may be restricted, but is not prohibited (Zone II and interim wellhead protection areas); and land areas with prime agricultural soils that are in active agricultural use.

“Site plan review” means a process established by local ordinance or by-law by which a local board reviews, and potentially imposes conditions on, the appearance and layout of a specific project prior to the issuance of a building permit.

“Subway station” means any of the stops along the MBTA Red Line, Green Line, Orange Line, or Blue Line, including any extensions to such lines now under construction and scheduled to begin service before the end of 2023.

“Transit station” means an MBTA subway station, commuter rail station, ferry terminal or bus station.

“Transit station area” means the land area within 0.5 miles of a transit station.

“Zoning Act” means chapter 40A of the Massachusetts General Laws.

### **3. General Principles of Compliance**

These compliance guidelines describe how an MBTA community can comply with the requirements of Section 3A. The guidelines specifically address:

- What it means to allow multi-family housing “as of right.”
- The metrics that determine if a multi-family zoning district is “of reasonable size.”
- How to determine if a multi-family zoning district has a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code.

- The meaning of Section 3A’s mandate that “such multi-family housing shall be without age restrictions and shall be suitable for families with children.”
- The extent to which MBTA communities have flexibility to choose the location of a multi-family zoning district.

The following general principles have informed the more specific compliance criteria that follow:

- MBTA communities with subway stations, commuter rail stations and other transit stations benefit from having these assets located within their boundaries and should provide opportunity for multi-family housing development around these assets. MBTA communities with no transit stations within their boundaries benefit from proximity to transit stations in nearby communities.
- The multi-family zoning districts required by Section 3A should encourage the development of multi-family housing projects of a scale, density and aesthetic that are compatible with existing surrounding uses, and minimize impacts to sensitive land.
- “Reasonable size” is a relative rather than an absolute determination. Because of the diversity of MBTA communities, a multi-family zoning district that is “reasonable” in one city or town may not be reasonable in another city or town.
- When possible, multi-family zoning districts should be in areas that have safe, accessible, and convenient access to transit stations for pedestrians and bicyclists.

#### **4. Allowing Multi-Family Housing “As of Right”**

To comply with Section 3A, a multi-family zoning district must allow multi-family housing “as of right,” meaning that the construction and occupancy of multi-family housing is allowed in that district without the need for a special permit, variance, zoning amendment, waiver, or other discretionary approval. DHCD will determine whether zoning provisions allow for multi-family housing as of right consistent with the following guidelines.

##### *a. Site plan review*

The Zoning Act does not establish nor recognize site plan review as an independent method of regulating land use. However, the Massachusetts courts have recognized site plan review as a permissible regulatory tool, including for uses that are permitted as of right. The court decisions establish that when site plan review is required for a use permitted as of right, site plan review involves the regulation of a use and not its outright prohibition. The scope of review is therefore limited to imposing reasonable terms and conditions on the proposed use, consistent with applicable case law.<sup>1</sup> These guidelines similarly recognize that site plan review may be required for multi-

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<sup>1</sup> See, e.g., *Y.D. Dugout, Inc. v. Board of Appeals of Canton*, 357 Mass. 25 (1970); *Prudential Insurance Co. of America v. Board of Appeals of Westwood*, 23 Mass. App. Ct. 278 (1986); *Osberg v. Planning Bd. of Sturbridge*, 44 Mass. App. Ct. 56, 59 (1997) (Planning Board “may impose reasonable terms and conditions on the proposed use, but it does not have discretionary power to deny the use”).

family housing projects that are allowed as of right, within the parameters established by the applicable case law. Site plan approval may regulate matters such as vehicular access and circulation on a site, architectural design of a building, and screening of adjacent properties. Site plan review should not unreasonably delay a project nor impose conditions that make it infeasible or impractical to proceed with a project that is allowed as of right and complies with applicable dimensional regulations.

*b. Affordability requirements*

Section 3A does not include any express requirement or authorization for an MBTA community to require affordable units in a multi-family housing project that is allowed as of right. It is a common practice in many cities and towns to require affordable units in a multi-family project that requires a special permit, or as a condition for building at greater densities than the zoning otherwise would allow. These inclusionary zoning requirements serve the policy goal of increasing affordable housing production. If affordability requirements are excessive, however, they can make it economically infeasible to construct new multi-family housing.

For purposes of making compliance determinations with Section 3A, DHCD will consider an affordability requirement to be consistent with as of right zoning as long as: (i) any affordable units required by the zoning are eligible to be listed on DHCD's Subsidized Housing Inventory; (ii) the zoning requires not more than 10 percent of the units in a project to be affordable units; and (iii) the cap on the income of families or individuals who are eligible to occupy the affordable units is not less than 80 percent of area median income. Notwithstanding the foregoing, the percentage of units required to be affordable units may be up to, but not more than, 20 percent of the units in a project, only if (i) the affordability requirement applicable in the multi-family zoning district pre-dates the enactment of Section 3A and the MBTA community demonstrates to DHCD that the affordability requirement has not made and will not make multi-family housing production infeasible, or (ii) the multi-family zoning district requires DHCD review and approval as a smart growth district under chapter 40R, or under another zoning incentive program administered by DHCD.

*c. Other requirements that do not apply uniformly in the multi-family zoning district*

Zoning will not be deemed compliant with Section 3A's requirement that multi-family housing be allowed as of right if the zoning imposes requirements on multi-family housing that are not generally applicable to other uses. The following are examples of requirements that would be deemed to be inconsistent with "as of right" use: (i) a requirement that multi-family housing meet higher energy efficiency standards than other uses; (ii) a requirement that a multi-family use achieve a third party certification that is not required for other uses in the district; and (iii) a requirement that multi-family use must be combined with commercial or other uses on the same lot or as part of a single project. Mixed use projects may be allowed as of right in a multi-family zoning district, as long as multi-family housing is separately allowed as of right.

**5. Determining "Reasonable Size"**

In making determinations of "reasonable size," DHCD will take into consideration both the land area of the multi-family zoning district, and the multi-family zoning district's multi-family unit capacity.

a. *Minimum land area*

A zoning district is a specifically delineated land area with uniform regulations and requirements governing the use of land and the placement, spacing, and size of buildings. For purposes of compliance with Section 3A, a multi-family zoning district should be a neighborhood-scale district, not a single development site on which the municipality is willing to permit a particular multi-family project. DHCD will certify compliance with Section 3A only if an MBTA community's multi-family zoning district meets the minimum land area applicable to that MBTA community, if any, as set forth in Appendix 1. The minimum land area for each MBTA community has been determined as follows:

- (i) In rapid transit communities, commuter rail communities, and adjacent communities, the minimum land area of the multi-family zoning district is 50 acres, or 1.5% of the developable land in an MBTA community, whichever is *less*. In certain cases, noted in Appendix 1, a smaller minimum land area applies.
- (ii) In adjacent small towns, there is no minimum land area. In these communities, the multi-family zoning district may comprise as many or as few acres as the community determines is appropriate, as long as the district meets the applicable minimum multi-family unit capacity and the minimum gross density requirements.

In all cases, at least half of the multi-family zoning district land areas must comprise contiguous lots of land. No portion of the district that is less than 5 contiguous acres land will count toward the minimum size requirement. If the multi-family unit capacity and gross density requirements can be achieved in a district of fewer than 5 acres, then the district must consist entirely of contiguous lots.

b. *Minimum multi-family unit capacity*

A reasonably sized multi-family zoning district must also be able to accommodate a reasonable number of multi-family housing units as of right. For purposes of determinations of compliance with Section 3A, DHCD will consider a reasonable multi-family unit capacity for each MBTA community to be a specified percentage of the total number of housing units within the community, with the applicable percentage based on the type of transit service in the community, as shown on Table 1:

Table 1.

<b><u>Category</u></b>	<b><u>Percentage of total housing units</u></b>
Rapid transit community	25%
Commuter rail community	15%
Adjacent community	10%
Adjacent small town	5%

To be deemed in compliance with Section 3A, each MBTA community must have a multi-family zoning district with a multi-family unit capacity equal to or greater than the minimum unit capacity shown for it in Appendix 1. The minimum multi-family unit capacity for each MBTA community has been determined as follows:

- (i) First, by multiplying the number of housing units in that community by 0.25, 0.15, 0.10, or .05 depending on the MBTA community category. For example, a rapid transit community with 7,500 housing units is required to have a multi-family zoning district with a multi-family unit capacity of  $7,500 \times 0.25 = 1,875$  multi-family units. For purposes of these guidelines, the number of total housing units in each MBTA community has been established by reference to the most recently published United States Decennial Census of Population and Housing.
- (ii) Second, when there is a minimum land area applicable to an MBTA community, by multiplying that minimum land area (up to 50 acres) by Section 3A's minimum gross density requirement of 15 units per acre. The product of that multiplication creates a floor on multi-family unit capacity. For example, an MBTA community with a minimum land area of 40 acres must have a district with a multi-family unit capacity of at least 600 ( $40 \times 15$ ) units.
- (iii) The minimum unit capacity applicable to each MBTA community is *the greater of* the numbers resulting from steps (i) and (ii) above, but subject to the following limitation: In no case does the minimum multi-family unit capacity exceed 25% of the total housing units in that MBTA community.

*Example: The minimum multi-family unit capacity for an adjacent community with 1,000 housing units and a minimum land area of 50 acres is determined as follows: (i) first, by multiplying  $1,000 \times .1 = 100$  units; (ii) second, by multiplying  $50 \times 15 = 750$  units; (iii) by taking the larger number, but adjusting that number down, if necessary, so that unit capacity is no more than 25% of  $1,000 = 250$  units. In this case, the adjustment in step (iii) results in a minimum unit capacity of 250 units.*

c. *Methodology for determining a multi-family zoning district's multi-family unit capacity*

MBTA communities seeking a determination of compliance must use the DHCD compliance model to provide an estimate of the number of multi-family housing units that can be developed as of right within the multi-family zoning district. The multi-family unit capacity of an existing or proposed district shall be calculated using the unit capacity worksheet described in Appendix 2. This worksheet produces an estimate of a district's multi-family unit capacity using inputs such as the amount of developable land in the district, the dimensional requirements applicable to lots and buildings (including, for example, height limitations, lot coverage limitations, and maximum floor area ratio), and the parking space requirements applicable to multi-family uses.

Minimum unit capacity is a measure of whether a multi-family zoning district is of a reasonable size, not a requirement to produce housing units. Nothing in Section 3A or these guidelines should be interpreted as a mandate to construct a specified number of housing units, nor as a housing production target. Demonstrating compliance with the minimum multi-family unit capacity requires only that an MBTA community show that the zoning allows multi-family housing as of right and that a sufficient number of multi-family housing units could be added to or replace existing uses and structures over time—even though such additions or replacements may be unlikely to occur soon.

If an MBTA community has two or more zoning districts in which multi-family housing is allowed as of right, then two or more districts may be considered cumulatively to meet the minimum land area and minimum multi-family unit capacity requirements, as long as each district independently complies with Section 3A's other requirements.

d. *Water and wastewater infrastructure within the multi-family zoning district*

MBTA communities are encouraged to consider the availability of water and wastewater infrastructure when selecting the location of a new multi-family zoning district. But compliance with Section 3A does not require a municipality to install new water or wastewater infrastructure, or add to the capacity of existing infrastructure, to accommodate future multi-family housing production within the multi-family zoning district. In most cases, multi-family housing can be created using private septic and wastewater treatment systems that meet state environmental standards. Where public systems currently exist, but capacity is limited, private developers may be able to support the cost of necessary water and sewer extensions. While the zoning must allow for gross average density of at least 15 units per acre, there may be other legal or practical limitations, including lack of infrastructure or infrastructure capacity, that result in actual housing production at lower density than the zoning allows.

The multi-family unit capacity analysis does not need to take into consideration limitations on development resulting from existing water or wastewater infrastructure within the multi-family zoning district, or, in areas not served by public sewer, any applicable limitations under title 5 of the state environmental code. For purposes of the unit capacity analysis, it is assumed that housing developers will design projects that work within existing water and wastewater constraints, and that developers, the municipality, or the Commonwealth will provide funding for infrastructure upgrades as needed for individual projects.

**6. Minimum Gross Density**

Section 3A expressly requires that a multi-family zoning district—not just the individual lots of land within the district—must have a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A. The Zoning Act defines “gross density” as “a units-per-acre density measurement that includes land occupied by public rights-of-way and any recreational, civic, commercial and other nonresidential uses.”

a. *District-wide gross density*

To meet the district-wide gross density requirement, the dimensional restrictions and parking requirements for the multi-family zoning district must allow for a gross density of 15 units per acre of land within the district. By way of example, to meet that requirement for a 40-acre multi-family zoning district, the zoning must allow for at least 15 multi-family units per acre, or a total of at least 600 multi-family units.

For purposes of determining compliance with Section 3A's gross density requirement, the DHCD compliance model will not count in the denominator any excluded land located within the multi-family zoning district, except public rights-of-way, private rights-of-way, and publicly-owned land used for recreational, civic, commercial, and other nonresidential uses. This method of

calculating minimum gross density respects the Zoning Act’s definition of gross density—“a units-per-acre density measurement that includes land occupied by public rights-of-way and any recreational, civic, commercial and other nonresidential uses”—while making it unnecessary to draw patchwork multi-family zoning districts that carve out wetlands and other types of excluded land that are not developed or developable.

b. *Achieving district-wide gross density by sub-districts*

Zoning ordinances and by-laws typically limit the unit density on individual lots. To comply with Section 3A’s gross density requirement, an MBTA community may establish reasonable sub-districts within a multi-family zoning district, with different density limits for each sub-district, provided that the gross density for the district as a whole meets the statutory requirement of not less than 15 multi-family units per acre. DHCD will review sub-districts to ensure that the density allowed as of right in each sub-district is reasonable and not intended to frustrate the purpose of Section 3A by allowing projects of a such high density that they are not likely to be constructed.

c. *Wetland and septic considerations relating to density*

Section 3A provides that a district of reasonable size shall have a minimum gross density of 15 units per acre, “subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A.” This directive means that even though the zoning district must permit 15 units per acre as of right, any multi-family housing produced within the district is subject to, and must comply with, the state wetlands protection act and title 5 of the state environmental code—even if such compliance means a proposed project will be less dense than 15 units per acre.

**7. Determining Suitability for Families with Children**

Section 3A states that a compliant multi-family zoning district must allow multi-family housing as of right, and that “such multi-family housing shall be without age restrictions and shall be suitable for families with children.” DHCD will deem a multi-family zoning district to comply with these requirements as long as the zoning does not require multi-family uses to include units with age restrictions, and does not limit or restrict the size of the units, cap the number of bedrooms, the size of bedrooms, or the number of occupants, or impose a minimum age of occupants. Limits, if any, on the size of units or number of bedrooms established by state law or regulation are not relevant to Section 3A or to determinations of compliance made pursuant to these guidelines.

**8. Location of Districts**

a. *General rule for determining the applicability of Section 3A’s location requirement*

Section 3A states that a compliant multi-family zoning district shall “be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.” When an MBTA community has only a small amount of transit station area within its boundaries, it may not be possible or practical to locate all of the multi-family zoning district within 0.5 miles of a transit station. Transit station area may not be a practical location for a multi-family zoning district if it does not include developable land where multi-family housing can actually be



constructed. Therefore, for purposes of determining compliance with Section 3A, DHCD will consider the statute’s location requirement to be “applicable” to a particular MBTA community only if that community has within its borders at least 100 acres of developable station area. DHCD will require more or less of the multi-family zoning district to be located within transit station areas depending on how much total developable station area is in that community, as shown on Table 2:

Table 2.

<b><u>Total developable station area within the MBTA community (acres)</u></b>	<b><u>Portion of the multi-family zoning district that must be within a transit station area</u></b>
0-100	0%
101-250	20%
251-400	40%
401-600	50%
601-800	75%
801+	90%

The percentages specified in this table apply to both the minimum land area and the minimum multi-family unit capacity. For example, in an MBTA community that has a total of 500 acres of transit station area within its boundaries, a multi-family zoning district will comply with Section 3A’s location requirement if at least 50 percent of the district’s minimum land area is located within the transit station area, *and* at least 50 percent of the district’s minimum multi-family unit capacity is located within the transit station area.

A community with transit station areas associated with more than one transit station may locate the multi-family zoning district in any of the transit station areas. For example, a rapid transit community with transit station area around a subway station in one part of town, and transit station area around a commuter rail station in another part of town, may locate its multi-family zoning district in either or both transit station areas.

*b. MBTA communities with limited or no transit station area*

When an MBTA community has less than 100 acres of developable station area within its boundaries, the MBTA community may locate the multi-family zoning district anywhere within its boundaries. To encourage transit-oriented multi-family housing consistent with the general intent of Section 3A, MBTA communities are encouraged to consider locating the multi-family zoning district in an area with reasonable access to a transit station based on existing street patterns, pedestrian connections, and bicycle lanes, or in an area that qualifies as an “eligible location” as defined in Chapter 40A—for example, near an existing downtown or village center, near a regional transit authority bus stop or line, or in a location with existing under-utilized facilities that can be redeveloped into new multi-family housing.

*c. General guidance on district location applicable to all MBTA communities*

When choosing the location of a new multi-family zoning district, every MBTA community should consider how much of a proposed district is sensitive land on which permitting requirements and other considerations could make it challenging or inadvisable to construct multi-family housing. For example, an MBTA community may want to avoid including in a multi-family zoning district

areas that are subject to flooding, or are known habitat for rare or threatened species, or have prime agricultural soils in active agricultural use.

## 9. **Determinations of Compliance**

Section 3A provides that any MBTA community that fails to comply with Section 3A’s requirements will be ineligible for funding from any of the listed funding sources. DHCD will make determinations of compliance with Section 3A in accordance with these guidelines to inform state agency decisions on which MBTA communities are eligible to receive funding from the listed funding sources. Determinations of compliance also may inform funding decisions by EOHED, DHCD, the MBTA and other state agencies which consider local housing policies when evaluating applications for discretionary grant programs, or making other discretionary funding decisions.

DHCD interprets Section 3A as allowing every MBTA community a reasonable opportunity to enact zoning amendments as needed to come into compliance. Accordingly, DHCD will recognize both *interim* compliance, which means an MBTA community is taking active steps to enact a multi-family zoning district that complies with Section 3A, and *district* compliance, which is achieved when DHCD determines that an MBTA community has a multi-family zoning district that complies with Section 3A. The requirements for interim and district compliance are described in more detail below.

Table 3.

<b>Transit Category (# of municipalities)</b>	<b>Deadline to Submit Action Plan</b>	<b>Deadline to Submit District Compliance Application</b>
Rapid transit community (12)	January 31, 2023	December 31, 2023
Commuter rail community (71)	January 31, 2023	December 31, 2024
Adjacent community (58)	January 31, 2023	December 31, 2024
Adjacent small town (34)	January 31, 2023	December 31, 2025

### *a. Process to achieve interim compliance*

Many MBTA communities do not currently have a multi-family zoning district of reasonable size that complies with the requirements of Section 3A. Prior to achieving district compliance (but no later than the deadlines set forth in Table 3), these MBTA communities can achieve interim compliance by taking the following affirmative steps towards the creation of a compliant multi-family zoning district.

- i. *Creation and submission of an action plan.* An MBTA community seeking to achieve interim compliance must first submit an action plan on a form to be provided by DHCD. An MBTA community action plan must provide information about current zoning, past planning for multi-family housing, if any, and potential locations for a multi-family zoning district. The action plan also will require the MBTA community to establish a timeline for various actions needed to create a compliant multi-family zoning district.
- ii. *DHCD approval of an action plan.* DHCD will review each submitted action plan for consistency with these guidelines, including but not limited to the timelines in

Table 3. If DHCD determines that the MBTA community's action plan is reasonable and will lead to district compliance in a timely manner, DHCD will issue a determination of interim compliance. DHCD may require modifications to a proposed action plan prior to approval.

- iii. *Implementation of the action plan.* After DHCD approves an action plan and issues a determination of interim compliance, an MBTA community must diligently implement the action plan. DHCD may revoke a determination of interim compliance if an MBTA community has not made sufficient progress in implementing an approved action plan. DHCD and EOHED will review an MBTA community's progress in implementing its action plan prior to making an award of funds under the Housing Choice Initiative and Massworks infrastructure program.
- iv. *Deadlines for submitting action plans.* To achieve interim compliance for grants made through the 2023 One Stop Application, action plans must be submitted by no later than January 31, 2023. An MBTA community that does not submit an action plan by that date may not receive a DHCD determination of interim compliance in time to receive an award of funds from the listed funding sources in 2023. An MBTA community that does not achieve interim compliance in time for the 2023 One Stop Application may submit an action plan to become eligible for a subsequent round of the One Stop Application, provided that an action plan must be submitted by no later than January 31 of the year in which the MBTA community seeks to establish grant eligibility; and provided further that no action plan may be submitted or approved after the applicable district compliance application deadline set forth in Table 3.

b. *Assistance for communities implementing an action plan.*

MBTA communities are encouraged to communicate as needed with DHCD staff throughout the process of implementing an action plan. DHCD will endeavor to respond to inquiries about whether a proposed multi-family zoning district complies with Section 3A prior to a vote by the municipal legislative body to create or modify such a district. Such requests shall be made on a form to be provided by DHCD and should be submitted at least 90 days prior to the vote of the legislative body.

c. *Requests for determination of district compliance*

When an MBTA community believes it has a multi-family zoning district that complies with Section 3A, it may request a determination of district compliance from DHCD. Such a request may be made for a multi-family zoning district that was in existence on the date that Section 3A became law, or for a multi-family zoning district that was created or amended after the enactment of Section 3A. In either case, such request shall be made on an application form required by DHCD and shall include, at a minimum, the following information. Municipalities will need to submit:

- (i) A certified copy of the municipal zoning ordinance or by-law and zoning map, including all provisions that relate to uses and structures in the multi-family zoning district.
- (ii) An estimate of multi-family unit capacity using the compliance model.

- (iii) GIS shapefile for the multi-family zoning district.
- (iv) In the case of a by-law enacted by a town, evidence that the clerk has submitted a copy of the adopted multi-family zoning district to the office of the Attorney General for approval as required by state law, or evidence of the Attorney General's approval.

After receipt of a request for determination of district compliance, DHCD will notify the requesting MBTA community within 30 days if additional information is required to process the request. Upon reviewing a complete application, DHCD will provide the MBTA community a written determination either stating that the existing multi-family zoning district complies with Section 3A, or identifying the reasons why the multi-family zoning district fails to comply with Section 3A and the steps that must be taken to achieve compliance. An MBTA community that has achieved interim compliance prior to requesting a determination of district compliance shall remain in interim compliance for the period during which a request for determination of district compliance, with all required information, is pending at DHCD.

#### **10. Ongoing Obligations; Rescission of a Determination of Compliance**

After receiving a determination of compliance, an MBTA community must notify DHCD in writing of any zoning amendment or proposed zoning amendment that affects the compliant multi-family zoning district, or any other by-law, ordinance, rule or regulation that limits the development of multi-family housing in the multi-family zoning district. DHCD may rescind a determination of district compliance, or require changes to a multi-family zoning district to remain in compliance, if DHCD determines that:

- (i) The MBTA community submitted inaccurate information in its application for a determination of compliance;
- (ii) The MBTA community failed to notify DHCD of a zoning amendment that affects the multi-family zoning district;
- (iii) The MBTA community enacts or amends any by-law or ordinance, or other rule or regulation, that materially alters the minimum land area and/or the multi-family unit capacity in the multi-family zoning district;
- (iv) A board, authority or official in the MBTA community does not issue permits, or otherwise acts or fails to act, to allow construction of a multi-family housing project that is allowed as of right in the multi-family zoning district;
- (v) The MBTA community takes other action that causes the multi-family zoning district to no longer comply with Section 3A; or
- (vi) An MBTA community with an approved multi-family zoning district has changed transit category as a result of a newly opened or decommissioned transit station, or the establishment of permanent, regular service at a transit station where there was formerly intermittent or event-based service.

#### **11. Changes to MBTA Service**

Section 3A applies to the 175 MBTA communities identified in section 1A of the Zoning Act and section 1 of chapter 161A of the General Laws. When MBTA service changes, the list of MBTA communities and/or the transit category assignments of those MBTA communities in Appendix 1 may change as well.

The transit category assignments identified in Appendix 1 of these guidelines reflect certain MBTA service changes that will result from new infrastructure now under construction in connection with the South Coast Rail and Green Line Extension projects. These service changes include the opening of new Green Line stations and commuter rail stations, as well as the elimination of regular commuter rail service at the Lakeville station. These changes are scheduled to take effect in all cases a year or more before any municipal district compliance deadline. Affected MBTA communities are noted in Appendix 1.

Municipalities that are not now identified as MBTA communities and may be identified as such in the future are not addressed in these guidelines or included in Appendix 1. New MBTA communities will be addressed with revisions to Appendix 1, and separate compliance timelines, in the future.

Future changes to Silver Line routes or stations may change district location requirements when expanded high-capacity service combined with new facilities creates a bus station where there was not one before. Changes to other bus routes, including the addition or elimination of bus stops or reductions or expansions of bus service levels, do not affect the transit categories assigned to MBTA communities and will not affect location requirements for multi-family zoning districts. Any future changes to MBTA transit service, transit routes and transit service levels are determined by the MBTA Board of Directors consistent with the MBTA's Service Delivery Policy.

### **List of Appendices:**

Appendix 1: MBTA Community Categories and Requirements

Appendix 2: Compliance Methodology/Model

**Appendix 1:**  
**MBTA Community Categories and Requirements**

<b>Community</b>	<b>Community category</b>	<b>2020 Housing Units</b>	<b>Minimum multi-family unit capacity*</b>	<b>Minimum land area**</b>	<b>Developable station area***</b>	<b>% of district to be located in station area</b>
Abington	Commuter Rail	6,811	1,022	50	307	40%
Acton	Commuter Rail	9,219	1,383	50	246	20%
Amesbury	Adjacent Community	7,889	789	50	-	0%
Andover	Commuter Rail	13,541	2,031	50	587	50%
Arlington	Adjacent Community	20,461	2,046	32	58	0%
Ashburnham	Adjacent Small Town	2,730	137	-	-	0%
Ashby	Adjacent Small Town	1,243	62	-	-	0%
Ashland	Commuter Rail	7,495	1,124	50	272	40%
Attleboro	Commuter Rail	19,097	2,865	50	467	50%
Auburn	Adjacent Community	6,999	750	50	-	0%
Ayer	Commuter Rail	3,807	750	50	284	40%
Bedford	Adjacent Community	5,444	750	50	-	0%
Bellingham	Adjacent Community	6,749	750	50	-	0%
Belmont	Commuter Rail	10,882	1,632	27	502	50%
Berkley	Adjacent Small Town	2,360	118	-	79	0%
Beverly	Commuter Rail	17,887	2,683	50	1,435	90%
Billerica	Commuter Rail	15,485	2,323	50	308	40%
Bourne	Adjacent Small Town	11,140	557	-	-	0%
Boxborough	Adjacent Small Town	2,362	118	-	-	0%
Boxford	Adjacent Small Town	2,818	141	-	-	0%
Braintree	Rapid Transit	15,077	3,769	50	485	50%
Bridgewater	Commuter Rail	9,342	1,401	50	181	20%
Brockton	Commuter Rail	37,304	5,596	50	995	90%
Brookline	Rapid Transit	27,961	6,990	41	1,349	90%

<b>Community</b>	<b>Community category</b>	<b>2020 Housing Units</b>	<b>Minimum multi-family unit capacity*</b>	<b>Minimum land area**</b>	<b>Developable station area***</b>	<b>% of district to be located in station area</b>
Burlington	Adjacent Community	10,431	1,043	50	-	0%
Cambridge	Rapid Transit	53,907	13,477	32	1,392	90%
Canton	Commuter Rail	9,930	1,490	50	451	50%
Carlisle	Adjacent Small Town	1,897	95	-	-	0%
Carver	Adjacent Small Town	4,701	235	-	-	0%
Chelmsford	Adjacent Community	14,769	1,477	50	-	0%
Chelsea	Rapid Transit	14,554	3,639	14	608	75%
Cohasset	Commuter Rail	3,341	638	43	241	20%
Concord	Commuter Rail	7,295	1,094	50	519	50%
Danvers	Adjacent Community	11,763	1,176	50	-	0%
Dedham	Commuter Rail	10,459	1,569	49	507	50%
Dover	Adjacent Small Town	2,046	102	-	-	0%
Dracut	Adjacent Community	12,325	1,233	50	-	0%
Duxbury	Adjacent Community	6,274	750	50	-	0%
East Bridgewater	Adjacent Community	5,211	750	50	-	0%
Easton	Adjacent Community	9,132	913	50	-	0%
Essex	Adjacent Small Town	1,662	83	-	-	0%
Everett	Rapid Transit	18,208	4,552	22	200	20%
Fitchburg	Commuter Rail	17,452	2,618	50	601	75%
Foxborough	Adjacent Community	7,682	768	50	-	0%
Framingham	Commuter Rail	29,033	4,355	50	270	40%
Franklin	Commuter Rail	12,551	1,883	50	643	75%
Freetown	Commuter Rail	3,485	750	50	346	40%
Georgetown	Adjacent Community	3,159	750	50	-	0%
Gloucester	Commuter Rail	15,133	2,270	50	430	50%
Grafton	Adjacent Community	7,760	776	50	82	0%
Groton	Adjacent Small Town	4,153	208	-	-	0%

<b>Community</b>	<b>Community category</b>	<b>2020 Housing Units</b>	<b>Minimum multi-family unit capacity*</b>	<b>Minimum land area**</b>	<b>Developable station area***</b>	<b>% of district to be located in station area</b>
Groveland	Adjacent Small Town	2,596	130	-	-	0%
Halifax	Commuter Rail	3,107	750	50	300	40%
Hamilton	Commuter Rail	2,925	731	49	184	20%
Hanover	Adjacent Community	5,268	750	50	-	0%
Hanson	Commuter Rail	3,960	750	50	218	20%
Harvard	Adjacent Small Town	2,251	113	-	-	0%
Haverhill	Commuter Rail	27,927	4,189	50	415	50%
Hingham	Commuter Rail	9,930	1,490	50	757	75%
Holbrook	Commuter Rail	4,414	662	41	170	20%
Holden	Adjacent Community	7,439	750	50	-	0%
Holliston	Adjacent Community	5,562	750	50	-	0%
Hopkinton	Adjacent Community	6,645	750	50	79	0%
Hull	Adjacent Community	5,856	586	7	34	0%
Ipswich	Commuter Rail	6,476	971	50	327	40%
Kingston	Commuter Rail	5,364	805	50	345	40%
Lakeville	Adjacent Small Town	4,624	231	-	30	0%
Lancaster	Adjacent Small Town	2,788	139	-	-	0%
Lawrence	Commuter Rail	30,008	4,501	39	271	40%
Leicester	Adjacent Small Town	4,371	219	-	-	0%
Leominster	Commuter Rail	18,732	2,810	50	340	40%
Lexington	Adjacent Community	12,310	1,231	50	-	0%
Lincoln	Commuter Rail	2,771	635	42	130	20%
Littleton	Commuter Rail	3,889	750	50	244	20%
Lowell	Commuter Rail	43,482	6,522	50	274	40%
Lunenburg	Adjacent Small Town	4,805	240	-	-	0%
Lynn	Commuter Rail	36,782	5,517	50	637	75%
Lynnfield	Adjacent Community	4,773	607	40	-	0%



<b>Community</b>	<b>Community category</b>	<b>2020 Housing Units</b>	<b>Minimum multi-family unit capacity*</b>	<b>Minimum land area**</b>	<b>Developable station area***</b>	<b>% of district to be located in station area</b>
Malden	Rapid Transit	27,721	6,930	31	484	50%
Manchester	Commuter Rail	2,433	559	37	305	40%
Mansfield	Commuter Rail	9,282	1,392	50	327	40%
Marblehead	Adjacent Community	8,965	897	27	-	0%
Marlborough	Adjacent Community	17,547	1,755	50	-	0%
Marshfield	Adjacent Community	11,575	1,158	50	-	0%
Maynard	Adjacent Community	4,741	474	21	-	0%
Medfield	Adjacent Community	4,450	750	50	-	0%
Medford	Rapid Transit	25,770	6,443	35	714	75%
Medway	Adjacent Community	4,826	750	50	-	0%
Melrose	Commuter Rail	12,614	1,892	25	774	75%
Merrimac	Adjacent Small Town	2,761	138	-	-	0%
Methuen	Adjacent Community	20,194	2,019	50	-	0%
Middleborough	Commuter Rail	9,808	1,471	50	260	40%
Middleton	Adjacent Community	3,359	750	50	-	0%
Millbury	Adjacent Community	5,987	750	50	-	0%
Millis	Adjacent Community	3,412	750	50	-	0%
Milton	Rapid Transit	9,844	2,461	50	404	50%
Nahant	Adjacent Small Town	1,680	84	-	-	0%
Natick	Commuter Rail	15,680	2,352	50	680	75%
Needham	Commuter Rail	11,891	1,784	50	1,223	90%
Newbury	Adjacent Small Town	3,072	154	-	69	0%
Newburyport	Commuter Rail	8,615	1,292	35	213	20%
Newton	Rapid Transit	33,320	8,330	50	2,833	90%
Norfolk	Commuter Rail	3,601	750	50	333	40%
North Andover	Adjacent Community	11,914	1,191	50	5	0%
North Attleborough	Adjacent Community	12,551	1,255	50	-	0%

<b>Community</b>	<b>Community category</b>	<b>2020 Housing Units</b>	<b>Minimum multi-family unit capacity*</b>	<b>Minimum land area**</b>	<b>Developable station area***</b>	<b>% of district to be located in station area</b>
North Reading	Adjacent Community	5,875	750	50	-	0%
Northborough	Adjacent Community	5,897	750	50	-	0%
Northbridge	Adjacent Community	6,691	750	50	-	0%
Norton	Adjacent Community	6,971	750	50	-	0%
Norwell	Adjacent Community	3,805	750	50	-	0%
Norwood	Commuter Rail	13,634	2,045	50	861	90%
Paxton	Adjacent Small Town	1,689	84	-	-	0%
Peabody	Adjacent Community	23,191	2,319	50	-	0%
Pembroke	Adjacent Community	7,007	750	50	-	0%
Plymouth	Adjacent Community	28,074	2,807	50	-	0%
Plympton	Adjacent Small Town	1,068	53	-	-	0%
Princeton	Adjacent Small Town	1,383	69	-	-	0%
Quincy	Rapid Transit	47,009	11,752	50	1,222	90%
Randolph	Commuter Rail	12,901	1,935	48	182	20%
Raynham	Adjacent Community	5,749	750	50	-	0%
Reading	Commuter Rail	9,952	1,493	43	343	40%
Rehoboth	Adjacent Small Town	4,611	231	-	-	0%
Revere	Rapid Transit	24,539	6,135	27	457	50%
Rochester	Adjacent Small Town	2,105	105	-	-	0%
Rockland	Adjacent Community	7,263	726	47	-	0%
Rockport	Commuter Rail	4,380	657	32	252	40%
Rowley	Commuter Rail	2,405	601	40	149	20%
Salem	Commuter Rail	20,349	3,052	41	266	40%
Salisbury	Adjacent Community	5,305	750	50	-	0%
Saugus	Adjacent Community	11,303	1,130	50	11	0%
Scituate	Commuter Rail	8,260	1,239	50	373	40%
Seekonk	Adjacent Community	6,057	750	50	-	0%

<b>Community</b>	<b>Community category</b>	<b>2020 Housing Units</b>	<b>Minimum multi-family unit capacity*</b>	<b>Minimum land area**</b>	<b>Developable station area***</b>	<b>% of district to be located in station area</b>
Sharon	Commuter Rail	6,581	987	50	261	40%
Sherborn	Adjacent Small Town	1,562	78	-	-	0%
Shirley	Commuter Rail	2,599	650	43	338	40%
Shrewsbury	Adjacent Community	14,966	1,497	50	52	0%
Somerville	Rapid Transit	36,269	9,067	24	1,314	90%
Southborough	Commuter Rail	3,763	750	50	167	20%
Sterling	Adjacent Small Town	3,117	156	-	-	0%
Stoneham	Adjacent Community	10,159	1,016	27	12	0%
Stoughton	Commuter Rail	11,739	1,761	50	317	40%
Stow	Adjacent Small Town	2,770	139	-	-	0%
Sudbury	Adjacent Community	6,556	750	50	-	0%
Sutton	Adjacent Small Town	3,612	181	-	-	0%
Swampscott	Commuter Rail	6,362	954	20	236	20%
Taunton	Commuter Rail	24,965	3,745	50	269	40%
Tewksbury	Adjacent Community	12,139	1,214	50	-	0%
Topsfield	Adjacent Small Town	2,358	118	-	-	0%
Townsend	Adjacent Small Town	3,566	178	-	-	0%
Tyngsborough	Adjacent Community	4,669	750	50	-	0%
Upton	Adjacent Small Town	2,995	150	-	-	0%
Wakefield	Commuter Rail	11,305	1,696	36	630	75%
Walpole	Commuter Rail	10,042	1,506	50	638	75%
Waltham	Commuter Rail	26,545	3,982	50	470	50%
Wareham	Adjacent Community	12,967	1,297	50	-	0%
Watertown	Adjacent Community	17,010	1,701	24	27	0%
Wayland	Adjacent Community	5,296	750	50	-	0%
Wellesley	Commuter Rail	9,282	1,392	50	921	90%
Wenham	Commuter Rail	1,460	365	24	111	20%

Community	Community category	2020 Housing Units	Minimum multi-family unit capacity*	Minimum land area**	Developable station area***	% of district to be located in station area
West Boylston	Adjacent Community	3,052	587	39	-	0%
West Bridgewater	Adjacent Small Town	2,898	145	-	-	0%
West Newbury	Adjacent Small Town	1,740	87	-	-	0%
Westborough	Commuter Rail	8,334	1,250	50	194	20%
Westford	Adjacent Community	9,237	924	50	-	0%
Westminster	Adjacent Small Town	3,301	165	-	30	0%
Weston	Commuter Rail	4,043	750	50	702	75%
Westwood	Commuter Rail	5,801	870	50	470	50%
Weymouth	Commuter Rail	25,419	3,813	50	713	75%
Whitman	Commuter Rail	5,984	898	37	242	20%
Wilmington	Commuter Rail	8,320	1,248	50	538	50%
Winchester	Commuter Rail	8,135	1,220	37	446	50%
Winthrop	Adjacent Community	8,821	882	12	14	0%
Woburn	Commuter Rail	17,540	2,631	50	702	75%
Worcester	Commuter Rail	84,281	12,642	50	290	40%
Wrentham	Adjacent Community	4,620	750	50	-	0%

\* Minimum multi-family unit capacity for most communities will be based on the 2020 housing stock and the applicable percentage for that municipality's community type. In some cases, the minimum unit capacity is derived from an extrapolation of the required minimum land area multiplied by the statutory minimum gross density of 15 dwelling units per acre. In cases where the required unit capacity from these two methods would exceed 25% of the community's housing stock, the required unit capacity has instead been capped at that 25% level.

\*\* Minimum land area is 50 acres for all communities in the rapid transit, commuter rail and adjacent community types. There is no minimum land area requirement for adjacent small towns. Where 50 acres exceeds 1.5% of the developable land area in a town, a cap has been instituted that sets minimum land area to 1.5% of developable land area in the town.

\*\*\* Developable station area is derived by taking the area of a half-mile circle around an MBTA commuter rail station, rapid transit station, or ferry terminal and removing any areas comprised of excluded land.



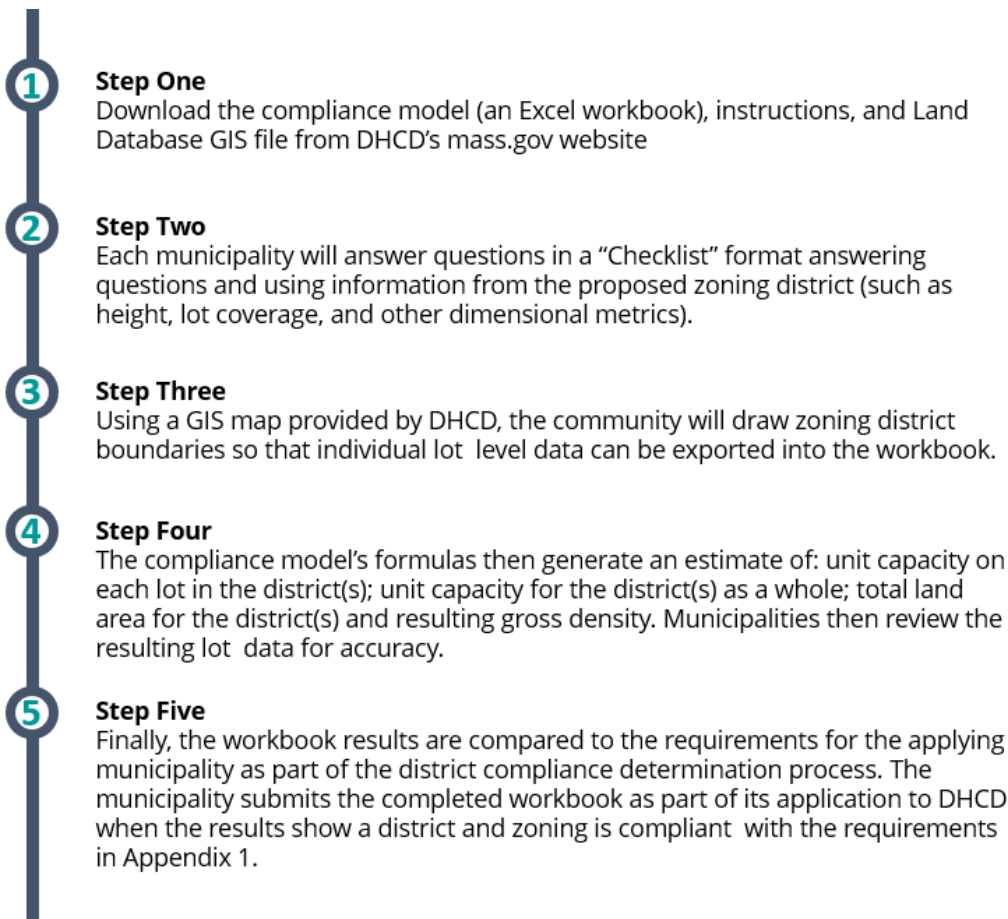
## Appendix 2

### Compliance Model Overview

The purpose of the compliance model is to ensure a consistent approach to measuring and evaluating multi-family zoning districts for compliance with Section 3A. The compliance model is intended to create a reasonable estimate of multi-family unit capacity of each multi-family zoning district. It is not intended to provide a precise determination of how many units may be developed on any individual lot or combination of lots.

The model uses geospatial tax parcel data from local assessors, compiled and hosted by MassGIS, to define lot boundaries and dimensions in each multi-family zoning district. The model also captures key dimensional and regulatory elements of the multi-family zoning district that impact multi-family unit capacity. The product of the compliance model is a Microsoft Excel workbook that must be submitted as part of a compliance application to DHCD. Consultant support is available at no cost to assist MBTA communities in meeting all the technical requirements of compliance.

The Compliance Modeling Process at a Glance:



## **Components of the Compliance Model**

### Land database

The compliance model includes geospatial parcel data for each MBTA community that identifies how much land area on each lot within a multi-family zoning district is developable land. Applicants will prepare this parcel data for the model's calculations by creating a shapefile for each district, measuring each district's land area, and exporting all lot records within the district's boundaries into an Excel or .csv file. These exported tables can then be pasted into the zoning review checklist and unit capacity estimator, described below.

### Zoning review checklist and unit capacity estimator

To capture the data needed to estimate a district's multi-family unit capacity, municipalities will be required to complete a zoning review checklist. The checklist is of a series of questions and responses about allowed residential uses, parking requirements, dimensional restrictions (such as maximum building height and minimum open space), and other regulatory elements applicable in the district.

The unit capacity estimator uses the GIS exported lot information from the land database and the information entered into the zoning review checklist to calculate an estimate of the maximum number of multi-family residential units that could be constructed on each lot in each district as of right. It then aggregates the unit capacity estimates for each lot into an estimate of total unit capacity for each district. It also derives an estimate of the gross density for each district.

## **Case-Specific Refinements to the Compliance Model Inputs and Outputs**

To ensure the integrity and reasonableness of each unit capacity estimate, DHCD may adjust the compliance model inputs and outputs as necessary to account for physical conditions or zoning restrictions not adequately captured by the compliance model. For example, DHCD may override the GIS data and change one or more lots from excluded land to developable land where a municipality demonstrates those lots meet the definition of developable land. DHCD may also adjust the unit capacity estimator's algorithm when it does not adequately account for an atypical zoning requirement or other local development restriction that will clearly impact unit capacity.



## Town of Arlington, Massachusetts

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### Meeting Minutes

#### Summary:

8:30 p.m. Meeting Minutes (4/25, 4/27, 5/2, 5/4, 5/16, 5/23, 6/27, 7/11, 7/25)  
Board will review and approve meeting minutes.

#### ATTACHMENTS:

Type	File Name	Description
Reference Material	04252022_Draft_Minutes_Redevelopment_Board.pdf	04252022 Draft Minutes Redevelopment Board
Reference Material	04272022_Draft_Minutes_Redevelopment_Board.pdf	04272022 Draft Minutes Redevelopment Board
Reference Material	05022022_Draft_Minutes_Redevelopment_Board.pdf	05022022 Draft Minutes Redevelopment Board
Reference Material	05042022_Draft_Minutes_Redevelopment_Board.pdf	05042022 Draft Minutes Redevelopment Board
Reference Material	05162022_Draft_Minutes_Redevelopment_Board.pdf	05162022 Draft Minutes Redevelopment Board
Reference Material	05232022_Draft_Minutes_Redevelopment_Board.pdf	05232022 Draft Minutes Redevelopment Board
Reference Material	06272022_Draft_Minutes_Redevelopment_Board.pdf	06272022 Draft Minutes Redevelopment Board
Reference Material	07112022_Draft_Minutes_Redevelopment_Board.pdf	07112022 Draft Minutes Redevelopment Board
Reference Material	07252022_Draft_Minutes_Redevelopment_Board.pdf	07252022 Draft Minutes Redevelopment Board



**Arlington Redevelopment Board**  
**Monday, April 25, 2022 at 7:00 PM**  
**Meeting Conducted Remotely via Zoom**  
**Meeting Minutes**

This meeting was recorded by ACMi.

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

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

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

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

The Chair asked if Ms. Raitt would provide an update to the Board regarding the Housing Production Plan before the Board starts the first agenda item. Ms. Raitt notified the Board that the Housing Production Plan was adopted by the Select Board with some minor amendments. The updated Housing Production Plan then goes to the Department of Housing and Community Development for final approval. Ms. Raitt said that there is interest to have another joint meeting between the Redevelopment Board and the Select Board.

The Chair reviewed the upcoming Board meeting dates during Town Meeting.

The Chair introduced the first agenda item, 2022 Special Town Meeting – Zoning Warrant Articles.

Ms. Raitt reviewed the amendments suggested by the Board for the Family child care article 2.

Mr. Lau moved to recommend favorable action for Article 2, Mr. Benson seconded, approved 5-0.

The Chair introduced Article 3, Signs for shared mobility stations. Ms. Raitt reviewed the amended language for Article 3 and explained that micro-mobility options were also added to that section.

Mr. Lau said ~~that he thought~~ that if the signs did not have anything to do with the mobility rentals ~~it they~~ the signs should be considered advertisement and subject to sign review. Mr. Lau would like to avoid undesirable types of signage or advertisements (like tobacco ads for example).

The Chair said that the Board does not have jurisdiction over the sign content; the Select Board has jurisdiction over the content and type of advertising allowed for mobility stations.

Ms. Tintocalis said she would like to remind the Select Board that they are responsible for reviewing advertisements.

Mr. Lau moved to recommend favorable action for Article 3, Ms. Tintocalis seconded, approved 5-0.

The Chair introduced Article 4, Nonconforming Single-Family or Two-Family Dwellings. Ms. Raitt reviewed updates to this Article. Mr. Benson said that he spoke with Christian Klein, Chair of the Zoning Board of Appeals, and Mr. Klein said that section C of this article leads to some confusion and he would like this section removed.

Mr. Lau moved to recommend favorable action for Article 4, Ms. Tintocalis seconded, approved 5-0.

The Chair introduced the second agenda item, Meeting Minutes (3/28/2022). The members of the Board provided updates and corrections to the 3/28/2022 draft minutes.

Mr. Benson moved to approve the 3/28/2022 meeting minutes as amended, Mr. Lau seconded, approved 5-0.

Mr. Lau moved to adjourn to Town Meeting, Ms. Tintocalis seconded, approved 5-0.

Meeting adjourned.

DRAFT

**Arlington Redevelopment Board**  
**Monday, April 27, 2022 at 6:30 PM**  
**Meeting Conducted Remotely via Zoom**  
**Meeting Minutes**

This meeting was recorded by ACMi.

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

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

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

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

The Chair introduced the first agenda item, Continued Public Hearing Environmental Design Review Special Permit Docket #3690, 34 Dudley Street. The Chair introduced Attorney Robert Annese and asked Mr. Annese to provide an update for the applicant. Mr. Annese introduced his team: Eric Gerade, Civil Engineer, Mathew Kealey, Traffic Engineer, Jan Bryan, Architect, Jesse Morgan, Operations, and Pete Williams. Mr. Annese said that the applicant has made substantial changes since the last hearing. Mr. Annese wanted to remind the Board that Mr. Annese's team is discussing a location in an industrial zone, not a residential zone. Mr. Gerade reviewed the project updates based on the points the Board brought up at the last hearing.

Mr. Morgan addressed some of the public questions that the applicant has received regarding the business' history, including business history, security, trash removal policies, truck traffic, and truck size (the limit is a 26 foot box truck). Mr. Gerade reviewed the site updates including: reduced building area, increased parking (including bicycle parking spaces and ADA parking improvements), stormwater management, and landscape improvements. Mr. Kealey stated that the proposed use will generate less traffic than the existing use based on the ITE data. Mr. Kealey said that the existing use generates more on-street parking than the proposed use. Mr. Bryan reviewed the building design, which was updated after the feedback received during the last hearing. Mr. Bryan said that the applicant is also committed to including solar arrays in the future. Mr. Annese asked if the Board Members have any questions for his team.

The Chair asked if Ms. Raitt has anything to add from the Department's perspective. Ms. Raitt said that the applicant was responsive to questions from members or the board. Ms. Raitt said that most of the questions have been addressed. Ms. Raitt would like more information regarding stormwater management.

The Chair opened the floor to members of the Board to ask questions. Mr. Lau said he likes the changes to landscaping, signage (with the exception of the monument sign), and the internal bicycle parking.

Mr. Benson said he also appreciates the changes made and the commitment to adding solar on the roof of the building. Mr. Benson asked if the applicant intends to include the truck size limitation in the lease agreement. Mr. Benson said that the truck size limit and instruction that there is no on-street parking would be helpful if included with the lease agreement. Mr. Benson questioned the need for an illuminated sign located at the office. Mr. Morgan said that the illuminated sign makes the office more easily located and it is dark quite early in the winter.

Ms. Tintocalis said that she is struggling with the use for this project, which would align better in a different location. That this use does not align with the intention for this neighborhood based on the Master Plan. Ms. Tintocalis said that she does not feel this use meets the Special Permit criteria.

Mr. Revilak asked to consider inverted U bike racks instead of the type of bike racks shown in the plans as the inverted U bike racks are more stable. Mr. Revilak would like to be able to see how a moving truck would maneuver in the loading spaces and the parking lot. Mr. Revilak asked which transportation demand elements the applicant plans to include with this project. Mr. Morgan said that they plan to include three elements: preferential parking for carpool, covered bicycle parking, and to provide a transportation stipend for employees who do not have a vehicle of their own. Mr. Revilak asked to see which parking spaces will be the preferential carpool spots. Mr. Morgan said those spaces will be next to the ADA parking spaces near the office.

The Chair said that she is still struggling with the rain leaders on the side of the building. The Chair said that she prefers integrated rain leaders with some sort of a vertical element that coordinates with the façade.

The Chair opened the floor to public comment.

Don Seltzer said that several members of the Disability Commission are appreciative of the ADA parking space relocation to the front of the building near the office entrance. Mr. Seltzer asked if the applicant has addressed the code requirements regarding the path of egress in the building. He also requested clarification regarding the definition of a 26 foot truck, and if that is just the measurement of the cargo area. Mr. Seltzer said that he agrees with Mr. Revilak, that it appears that the spacing between the columns in the loading dock area can only accommodate a car the size of a suburban, not a truck. Mr. Seltzer stated that if Arlington is going to make progress to meet the goals of the net zero action plan, it will be necessary for development to be mindful of its impact on neighboring properties. Mr. Seltzer said that this project will encroach on the solar exposure of a dozen adjacent properties.

The Chair said that the Board will not be discussing the interior path of egress, which falls under the jurisdiction of the Building Department. The 26 foot truck is a standard designation within the industry. The Chair said that the applicant may address the truck turning radius concern considering the spacing of the columns in the loading dock once public discussion has completed.

Ann LeRoyer said she is concerned about the size and massing of this building so close to Mill Brook and Wellington Park. The building will change the contour of the area quite a lot. Ms. LeRoyer said that there is also concern about the panels on the back of the building; she would like to confirm the panels will not be reflective. Ms. LeRoyer acknowledged that stormwater plans, rain gardens, landscaping, and other areas of concern will go to Conservation Commission for review.

Attorney Thomas Falwell represents Santini, the owners of 26 Dudley Street. Mr. Falwell said that he, like Mr. Seltzer, has concerns about parking and trucks maneuvering on the 24 Dudley site. Mr. Falwell asked if fill is needed at the back of the site. Mr. Falwell said in regards to the stormwater plans it looks that the applicant intends to discharge into Mill Brook. Mr. Falwell said that the stormwater plan will have to be brought into compliance. Mr. Falwell asked if the Town will have to review the work that the applicant intends to do on the neighboring Town owned land.

Mr. Gerade said that they ran the turns to make sure that the trucks can maneuver and pull in and out of the lot. The actual length of a 26 foot box truck is actually 34 feet ~~in length~~. Mr. Gerade said that they will work on the sign to limit truck size on the property. Mr. Bryan said that the panels on the back of the building are not reflective panels; they are a non-

reflective mesh material.

The Chair asked for a sample of the mesh material.

Mr. Gerade addressed the work at the rear of the site on Town land, that they are filling 12 to 18 inches on the back side of the site.

The Chair [closed public comment and](#) moved the meeting back to the Board.

Mr. Lau said he would like a continuation to understand more about this project. Mr. Lau would like the applicant to provide a truck turning radius and maneuverability study. Mr. Lau would also like a redesign of the rain leader plans. Mr. Lau said that he has concerns that the area between the rear wall and the mesh screening may become an area where birds nest.

Mr. Benson said he agrees with Mr. Lau and would like to have another hearing. Mr. Benson would like to discuss the solar array that will be on the roof and review graphics of what it will look like. Mr. Benson wanted to discuss the question of uses for a building based on a 10 x 10 grid system; Mr. Benson said he is concerned about approving a building that may have no other use in the future. Mr. Benson said that he visited the Arlington Self Storage website and confirmed that all of Arlington Self Storage's units have been rented so there is a need for this use.

Ms. Tintocalis questioned the concern about the flexibility of the building, to ensure that there are other uses for the building.

Mr. Benson said that because the building has all of the columns in the grid system that the space perhaps cannot be used for anything but storage. Mr. Benson said he is concerned because if the business leaves town that the building will be left empty.

Mr. Revilak asked the applicants [to consider an employee shower as part of their Transportation Demand Management plan, instead of a preferential carpool parking space.](#) Mr. Revilak would also like to see a turning diagram for a 26 foot box truck. Mr. Revilak asked what size storm the system will be able to completely retain on site based on the NOAA 14 plus rainfall estimates. Mr. Gerade said that the overall design intent was to reduce the future 10 year storm to be less than the existing 2. Mr. Revilak said he noticed that there will be a reduction in flow compared to current conditions.

Mr. Lau addressed the 10 x 10 grid based construction; Mr. Lau does not have an issue with the building type. Mr. Lau said that the Board is approving the building for the use now.

The Chair said that her office is in a building that was originally build for cold storage, that it is possible to get very creative when repurposing a space within a building.

The Chair reviewed the items requested by the Board for the next hearing:

- 1) Look at integrating the vertical lines of the rain leaders with the façade design. If not recessing them then ensuring the façade speaks to the opposite façade of the building.
- 2) Consider elimination of the monument sign.
- 3) Eliminate the illumination of the office sign.
- 4) Change the specification for the bike rack to an inverted U style bike rack.
- 5) Provide a diagram that shows the turning radius of the largest truck allowed, which is a 26 foot box truck.
- 6) Provide a material sample and/or more information regarding the mesh screen at the rear of the building and the image

on the panels.

7) Provide additional information about the solar array planned for the roof.

8) Consider switching the one of the Transportation Demand elements to provide a shower for employees instead of preferential parking for carpools.

9) Provide plans that show the limit of construction/work in regards to the planned changes to Town's property and abutting properties.

Mr. Lau moved to continue this public hearing for Docket #3690 to Monday, May 16, 2022 at 6:30 p.m., Mr. Benson seconded, approved 5-0.

The Chair asked if it is possible to eliminate the Board's meeting scheduled for Monday, May 23, 2022. Ms. Raitt said that the Board can revisit this issue at the May 16, 2022 meeting.

Mr. Lau moved to adjourn to Town Meeting, Mr. Benson seconded, approved 5-0.  
Meeting adjourned.

**Arlington Redevelopment Board**  
**Monday, May 2, 2022 at 6:30 PM**  
**Meeting Conducted Remotely via Zoom**  
**Meeting Minutes**

This meeting was recorded by ACMi.

**PRESENT:** Rachel Zsembery (Chair), Eugene Benson, Melisa Tintocalis, Steve Revilak, Kin Lau (Mr. Lau joined the meeting after 7:00 p.m.)

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

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

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

The Chair introduced the first agenda item, Public Hearing Environmental Design Review Special Permit Docket #3694, 88 Fremont Street, #88. The Chair asked Ms. Lynema to ask Magda, the meeting interpreter, to update the applicant. Ms. Lynema gave an overview of the application which would be adding an accessory use, family daycare, to an existing structure. The Chair welcomed the applicant, Ms. Brito.

Mr. Revilak notified the Board that he lives close enough to the applicant to receive an abutters notice for this hearing. Mr. Revilak and the Chair agreed that this fact would not present a conflict of interest so there is no need for Mr. Revilak to abstain from voting.

Mr. Benson asked if Ms. Brito had permission from her landlord to open a family daycare in her home. Ms. Brito said that she does have permission from the Arlington Housing Authority.

Ms. Tintocalis asked Ms. Brito a question in Spanish. Ms. Tintocalis said that she asked the applicant if there was enough space for the kids. Ms. Brito confirmed that there was enough space in her home.

The Chair said that she appreciates the application, and since the application has been reviewed by the Early Education Department with the State of Massachusetts the Chair said she does not have any additional questions.

The Chair opened the floor to public comment.

Susan Ann Kehler said she wonders if any of Ms. Brito's neighbors had any thoughts about this small business going into their neighborhood. The Chair explained that the typical process for abutters/neighbors would be to appear at this hearing to discuss the matter with the Board or submit a letter. The Chair said that the Board has not received any correspondence regarding this application. Ms. Raitt said that any written correspondence would be posted with the evening's agenda.

Jo Anne Preston said that she is pleased that the applicant is forming a needed small business. Ms. Preston said that the Arlington Housing Authority was not aware of Ms. Brito's plans for a home daycare but it is allowed in the applicant's lease. Ms. Preston asked about the matter of insurance for the business. The Chair said the insurance question may have to be directed to the Department of Early Education with the State of Massachusetts.

The Chair asked the applicant about insurance coverage. The applicant said that she is in the process of getting her own insurance for the home daycare. The Chair confirmed that the Board does not have jurisdiction over insurance and will not

be ruling on anything related to the insurance.

With no other members of the public in queue to speak, the Chair closed the floor to public comment.

Mr. Benson said that is concerned that the Arlington Housing Authority did not know about this home daycare in advance. Mr. Benson said that the Board does not usually ask applicants about their insurance coverage. Mr. Benson said that he would just like to add to the special permit that Ms. Brito will maintain her Family Child Care License with the Department of Early Education Services.

Mr. Revilak said that there are a lot of children living in Monotomy Manor, which is family housing for Arlington Housing Authority, and this seems to be a completely acceptable use.

Mr. Lau said that he joined the meeting late and missed the discussion so he would like to abstain from voting.

Mr. Benson moved to approve the Special Permit for Docket #3694 with the special condition that the applicant maintain her regular license to provide family childcare services, Ms. Tintocalis seconded, approved 4-0 (Mr. Lau abstained).

The Chair introduced the next agenda item, Public Hearing Environmental Design Review Special Permit Docket #3693, 89 Alpine Street. The applicant was not in attendance.

Mr. Lau moved to reschedule the public Hearing for Docket #3693 to Monday, May 16, 2022, Ms. Tintocalis seconded, approved 5-0.

The Chair opened the floor for Public Forum. With no members of the public in queue to speak, the Chair closed the public Forum portion of the meeting.

The Chair congratulated Ms. Raitt and Adam Chapdelaine. Each received the Open Door Champion Award for their work on Arlington's Fair Housing Action Plan.

Mr. Lau moved to adjourn to Town Meeting, Mr. Benson seconded, approved 5-0.  
Meeting adjourned to Town Meeting.



**Arlington Redevelopment Board**  
**Monday, May 4, 2022, at 7:00 PM**  
**Meeting Conducted Remotely via Zoom**  
**Meeting Minutes**

This meeting was recorded by ACMi.

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

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

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

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

The Chair introduced the first agenda item, Finalize Report to 2022 Special Town Meeting. Ms. Raitt reviewed the Board's suggested comments and edits to the report starting with Article 2.

Mr. Benson said that he does not agree that home childcare belongs in the industrial districts.

Mr. Lau said that he agrees that home childcare can be left out of the industrial districts.

Ms. Tintocalis said that she is fine leaving as is and asked Ms. Raitt to confirm that there is currently no home childcare operating in the industrial districts. Ms. Raitt confirmed that there are not.

The Chair introduced Article 3 and requested the Board's comments regarding the discussion points.

Mr. Benson said that he is not sure that the advertisements do not fall under the zoning bylaw without reading the entire bylaw. Ms. Raitt said that the suggested amendment is appropriate when regarding the content of the advertising.

Mr. Benson said that according to the bylaw, advertisement does fall under the zoning bylaw and the bylaw makes a distinction between commercial and non-commercial advertisements.

The Chair said that she agrees with Mr. Benson that the intent is clear without the suggested modifier.

Mr. Revliak said he has no objections to strike the suggested modifier.

Ms. Raitt reviewed the suggested changes to the non-conforming single and two-family homes Article 4.

The Board collaborated to amend the wording for Article 4.

Mr. Lau moved to approve the Arlington Redevelopment Board's 2022 Report to Special Town Meeting, Draft Zoning Bylaw, as amended, Mr. Benson seconded, approved 5-0.

The Chair explained that the Report to Special Town Meeting will be officially submitted Wednesday, May 11, 2022 at Special Town Meeting.

Mr. Lau moved to adjourn to Town Meeting, Mr. Benson seconded, approved 5-0.

Meeting adjourned.

**Arlington Redevelopment Board**  
**Monday, May 16, 2022, at 6:30 PM**  
**Meeting Conducted Remotely via Zoom**  
**Meeting Minutes**

This meeting was recorded by ACMI.

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

**ABSENT:** Melisa Tintocalis

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

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

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

The Chair introduced the first agenda item, Environmental Design Review Special Permit Public Hearing Docket #3690, 34 Dudley Street. Ms. Raitt gave an overview of the updated materials that were received from the applicant. Ms. Raitt notified the Board that correspondence was received from an abutter questioning whether this project needs to comply with the inland wetland district and the flood plain zoning district. Ms. Raitt confirmed that this project does not need to comply with those requirements but must meet Arlington's wetland regulations.

Mr. Annese explained that the applicant updated the plans to include each of the requests made by members of the Board, particularly requests regarding conservation. Mr. Annese said that he feels the abutters' concerns are not relevant. Mr. Annese introduced Eric Gerard from VHB to present the updated plans for the Board.

Mr. Gerard said the updates include: rain leader integration, solar rooftop units, non-illuminated signage, truck turn analysis, and adding an employee shower instead of offering carpool parking. The applicant met with the Conservation Commission on May 5, 2022, and will have an additional hearing soon. Mr. Gerard said that proposed work on the adjacent parcel of land owned by Park and Recreation has been reviewed and approved by Joe Connelly, Director of the Parks & Recreation Department.

Mr. Benson asked Mr. Gerard about the solar ready roof. Jesse Morgan said that the plan is to deliver solar panels in the future.

Mr. Benson asked about the retention and treatment of stormwater on site with an outflow pipe from the retention basin. Mr. Gerard said that the stormwater will be collected in either the bio-retention basin or the catch basin and then that will discharge into the sub-surface infiltration basin, which will provide the final treatment to meet Massachusetts' DEP standards.

Mr. Benson asked where the water would be released and what level of storm can be retained before being released. Mr. Gerard said that the release will be tied into existing conditions using the existing pipe. The aim is to reduce the future 10 year storm event to be below the existing 2 year storm event.

Mr. Benson said the bylaw requirement is to retain and treat 100% of stormwater on site. Mr. Benson said that 10 year storms happen too often, that that level does not meet the requirements of the bylaw.

Mr. Benson then asked about the truck turn analysis study, pointing out that the diagramed turns cannot be made without

impeding into another parking space.

Mr. Lau asked if there are bollards or columns in the parking space and if the columns could be adjusted to help the trucks maneuver. Mr. Lau said that the treatment for the rain leaders is better but not quite what the Board is looking for. Mr. Lau asked to confirm that the monument sign was removed. Ms. Raitt confirmed that it was removed in the new plans. Mr. Lau asked for a new truck parking diagram that is easier to visualize. Mr. Lau said he is not that concerned since the parking issue is an onsite issue and does not take place off of the property or on the street.

The Chair said that the rain leader design still has room for improvement stylistically.

Mr. Revilak asked if it is feasible to restrict the size of the vehicles to less than 26 feet.

Pete Williams said that the only parking on site is typically close to the office, cars are not typically left parked in the self-storage lot.

The Chair opened the floor to public comment.

Don Seltzer said the loading bays look to be 26 feet so the trucks will jut out from the parking spaces. Mr. Seltzer said that he will bring his safety standard concerns to Inspectional Services when final plans are submitted to Building Services. Mr. Seltzer said that is regrettable because his concerns are related to State law and delayed corrective action will be costly.

The Chair closed the floor for public comment.

The Chair said that she feels that the rain leader design can be resolved with Department Staff. The Board would like to see a more detailed turning diagram.

Mr. Revilak said that there should be no untreated runoff from the site based on the bylaw requirements. There is not a lot of bylaw guidance regarding storage capacity limit for the size of storms.

The Chair said a special condition could require the applicant to work with the Town Engineer to resolve the stormwater collection requirements.

Ms. Raitt said that the requirement is relative to building height; there is nothing about the storm event to plan for so the Board should be on the same page about the storm size they choose. The Conservation Commission and Town Engineer will be able to help the applicant with this issue. Ms. Raitt said that the applicant has demonstrated that they have worked to address stormwater on site based on the scope of the site.

Mr. Benson said that he is not sure a 10 year storm is the right size. The stormwater that will be going into Mill Brook, which already has a list of problems, is prone to flooding. Mr. Benson said he would like to have the Town Engineer determine for the Board the maximum storm size that can be treated and stored on site. Once the storm size is determined the Conservation Commission would then notify the Board if they accept the level of overflow into Mill Brook.

Mr. Lau moved to approve Docket #3690 with the following special conditions, Mr. Benson seconded, approved 4-0 (Ms. Tintocalis was absent.)

- To install and operate solar panels on the roof
- Administratively review the final elevations for approval with the Department of Planning and Community Development

- No more than two 26 foot trucks may be allowed in the loading bays at one time
- The applicant will work with the Town Engineer to identify the maximum storm event the Engineer determines can be reasonably retained and treated on site.

The Chair introduced the second agenda item, Environmental Design Review Special Permit Docket #3693, 89 Alpine Street. Ms. Lynema confirmed that the interpreter was on the call to interpret for the applicant then proceeded to review the application for the Board. This facility is for no more than 6 children and has a pick up process in place intended to limit the time parents are parked on the street.

Mr. Benson asked if the applicant's day care was at 6 or 10 child limit. The applicant, Ms. Mayorga, said that there are currently 10 children.

The Chair opened the floor to public comment. With no members of the public in queue the Chair closed the floor to public comment.

The Chair said that the applicant has followed all of the requirements of the state and meets the Town's requirements for running a childcare facility.

Mr. Benson suggested including the same special condition that was used for the last home childcare applicant.

Mr. Benson moved to approve Docket #3693 with the following condition, Mr. Lau seconded, approved 4-0 (Ms. Tintocalis was absent):

- The applicant must maintain their current state childcare certifications.

The Chair introduced the third agenda item, Meeting Minutes (4/4/2022).

Mr. Benson moved to approve meeting minutes for 4/4/2022 as amended, Mr. Lau seconded, approved 4-0 (Ms. Tintocalis was absent.)

Mr. Lau moved to adjourn to Town Meeting, Mr. Benson seconded, approved 4-0 (Ms Tintocalis was absent). Meeting adjourned to Town Meeting.

**Arlington Redevelopment Board**  
**Monday, May 23, 2022, at 7:00 PM**  
**Meeting by Remote Participation**

This meeting was recorded by ACMi.

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

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

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

This meeting is being held remotely in accordance with the Governor's March 12, 2020, Order Suspending Certain Provisions of the Open Meeting Law G.L. c. 30A, Section 20. Per Board Rules and Regulations, public comments will be accepted during the public comment periods designated on the agenda.

The Chair introduced the first agenda item, Director of Planning and Community Development/ ARB Secretary Ex Officio transition. Ms. Raitt explained that she will be leaving her position in June and expressed how she will miss Arlington and the community. Ms. Raitt said that she has been working to ensure a smooth transition. Ms. Raitt thanked the Board, Department, Town Staff members and how she appreciates their collaborative approach. Ms. Raitt said that a collaborative approach is the only way to move this community forward with community development and planning initiatives. The future of success of Arlington is inexorably intertwined with the investments made in planning and the engagement in that work.

The Chair asked the Board if they have any questions regarding the transition period. Mr. Lau said he would like to resume the 3D model sketch up project along Mass. Ave. and Broadway. The sketch up would be a helpful tool to dispel some of the myths about what the Board is trying to do regarding zoning changes. Mr. Lau said that the Board could focus more on mixed-use in industrial zones.

Mr. Benson said he would hope that the new Planning Director would be chosen after the new Town Manager is chosen so the new Town Manager can be involved in selecting a new Planning Director.

The Chair asked if Ms. Raitt could share the expected timing for hiring a new Planning Director. Ms. Raitt said that it typically takes about four months to identify a new Planning Director and Ms. Raitt said that there will be an acting Town Manager, the Chair, and members of the community that will be involved in hiring the Planning Director.

Mr. Lau said that he agrees that the new Town Manager should be selected before selecting a new Planning Director.

The Chair said that she does not disagree with Mr. Benson and Mr. Lau that selecting a new Town Manager first would be ideal. The Chair said that her concern is the volume of work in progress will all fall to Ms. Lynema alone as Acting Director and Assistant Director.

Mr. Revilak said that he agrees with the Chair. The two positions need to work together and collaborate quite a bit but the reality of scheduling and timelines also play a role.

Ms. Tintocalis said that alignment with the Town Manager selection would be ideal, but Ms. Tintocalis said she has seen many other operations handle it differently and still be successful.

The Chair said that she would connect with the Select Board Chair to see if they have any additional information about the timeline for this search.

Ms. Raitt said that Select Board voted to name Sandy Pooler as Town Manager so the hiring timeline for a new Town Manager is not yet known. Mr. Pooler would be working to hire Ms. Raitt's successor.

Mr. Benson said he also wanted to bring up the MBTA communities guidelines. Mr. Benson said that the Chair should have an executive session with Town Counsel to determine if the final guidelines are challengeable.

The Chair asked for confirmation of when the final guidelines are expected to be released. Ms. Raitt confirmed that the final MBTA Communities guidelines are expected in August or September. The Chair said that once Ms. Lynema has had a chance to review the final guidelines with the Board that would be the best time for the Board to determine if they would like to consider legal action.

Mr. Benson suggested asking Town Counsel about the filing deadline before the final guidelines come out.

Mr. Revilak suggested meeting with the Select Board to discuss the MBTA Communities final guideline requirements. Mr. Revilak also suggested inviting the Arlington Chamber of Commerce to discuss business and what would benefit the business community in Arlington. Ms. Raitt said that she followed up with Beth Locke from the Chamber of Commerce and discussed this as something to do after Town Meeting.

Ms. Tintocalis agreed that meeting to discuss with the business community is a good idea.

Ms. Raitt said that Town Meeting did vote to approve the new design standards and that the 3D model Mr. Lau discussed would be a helpful tool to use for that project also.

The Chair introduced the second agenda item, MassWorks Grant Application letter of support from Board. Ms. Raitt explained that the Department is in the process of putting together an application for funding that would support the Mass. Ave. and Appleton area safety project. The safety project would also support the three developments in progress in that area: 1165R Mass. Ave, the approved Hotel to be constructed at the corner of Mass. Ave. and Clark, and a project at the corner of Appleton and Acton Streets. Ms. Raitt said that this situation allows Arlington to apply for a MassWorks Grant and which will allow the Department to create greater plans for community outreach. This safety plan also aligns with Connect Arlington and the Town's Master Plan goals.

Mr. Lau said that he supports this project and encourages follow through. Mr. Lau said that a permanent design correction for this unsafe intersection is needed.

Mr. Benson said that he agrees with Mr. Lau and asked for an overview of project costs and the grant amount. Ms. Lynema said that the design phase of this project is roughly \$140,000.00 and a second much more substantial grant will fund construction. Mr. Benson asked if the grant based on MBTA Communities compliance could be used. Ms. Lynema said that the Town's proposal isn't due until December 2023 and the Department wants to move ahead in order to be ready for construction.

Mr. Revilak said that making improvements to a dangerous intersection, especially one where fatal accidents have taken place, is important and he would like to see this intersection improved.

Ms. Tintocalis asked if the Department is also looking at federal grants. Ms. Raitt said that the Department has been looking into all funding sources.

The Chair asked if the other dangerous intersections in the area are also being considered. Ms. Raitt said that those intersections would most likely fall under work done by the Transportation Advisory Committee. The Chair asked if Ms. Raitt would like an official vote of support for the grant application from the Board. Ms. Raitt said that she would, in addition to a letter of support from Board.

Ms. Tintocalis moved that Board provide a letter of support for the MassWorks grant letter related to the Mass. Ave. and Appleton street scape, Mr. Lau seconded, approved 5-0.

Ms. Tintocalis moved to adjourn to Town Meeting, Mr. Lau seconded, approved 5-0.  
Meeting adjourned to Town Meeting.

**Arlington Redevelopment Board**  
**Monday, June 27, 2022, at 7:30 PM**  
**Town Hall Auditorium**  
**730 Massachusetts Ave., Arlington, MA 02476**  
**Meeting Minutes**

This meeting was recorded by ACMi.

**PRESENT:** Rachel Zsembery (Chair), Eugene Benson, Kin Lau, Melisa Tintocalis (joined the meeting in progress), Steve Revilak

**STAFF** Kelly Lynema, Acting Director of Planning and Community Development

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

As all members of the Board were not yet present the Chair took the agenda items out of order and introduced the second agenda item first. The second agenda item is an Update on the Director of Planning and Community Development search. Ms. Lynema said that there are five candidates scheduled for the first round of preliminary interviews. The Chair said that Mr. Pooler has been selected to move into the Town Manager position and will be included in the search for the Planning Director position.

Ms. Lynema notified the Board that Ali Carter, Economic Development Coordinator, will be leaving the Town for a new position. Ms. Carter's last day will be July 8<sup>th</sup> and the Economic Development Coordinator position will be posted by Human Resources.

The Chair announced a reminder on behalf of the Arlington Affordable Trust Fund Committee Chair that residents take the affordable housing survey. The survey will be one of the tools that the Arlington Affordable Trust Fund Committee will use to inform their initial action plan.

Mr. Benson asked if the Open Space Plan is open for review. The Chair said that the current plan is to have the Open Space Committee present the plan to the Board and then the Board will vote whether to endorse the plan.

The Chair then introduced the first agenda item, Environmental Design Review Special Permit Docket #3702, 464 Massachusetts Avenue. Ms. Lynema introduced the applicant, Jeff Wetzel, from Deep Cuts Deli who is looking to open a deli and brewery. The applicant has requested the parking requirement be reduced to zero. The Brewery is categorized as artisanal fabrication in the business zoning district, which is an approved use. With the exception of the signs there are no other plans for changes to the restaurant space. Mr. Wetzel reviewed the plans for the deli and brewery along with their other locations. Mr. Wetzel noted that the brewery will be in the basement and beer made in the brewery is pretty much just for this location.

Mr. Lau asked the applicant if they plan to change any of the doors. The applicant said that the doors will stay the same, that only the hardware is planned to be updated. Mr. Lau questioned the ADA access into the building, and noted that the current recessed front door entry way is not accessible. Mr. Lau asked if it is possible to update the rear entrance so that it is handicapped accessible. Mr. Lau asked if a bicycle rack outside since the applicant requested to have the parking requirement reduced. The applicant said he would consider redesigning the rear door and installing a bike rack.

Ms. Tintocalis joined the meeting.

Mr. Benson said that the Board received an email from an architect stating that the doors for this location are not ADA compliant. Mr. Benson said he would like to have the doors updated to meet ADA requirements. Mr. Benson asked the



applicant to work with the town regarding the bicycle rack on the sidewalk and stated that the location will require internal bicycle storage. Mr. Benson asked about truck access and how large the delivery trucks are. The applicant said that deliveries are brought by box trucks and that one or two would be required at a time. Mr. Benson said that under the Town Bylaw only one sign is allowed per building, Tango, the former restaurant, opened before the updated sign bylaw was adopted so they were allowed two signs at the time.

Mr. Revilak asked the applicant about the wort chiller being used during the brewing process and the basement design. Mr. Revilak asked how many employees will be employed at this location. The applicant said that they plan on approximately 15 employees. Mr. Revilak asked about indoor bicycle parking for employees. Mr. Revilak said that the calculation for parking is based on gross floor area does not include cellars (as opposed to basements). Mr. Revilak also recommended composting waste products.

The Chair confirmed with Ms. Lynema that the plans for signage and painting would also have to be approved by the Historical Commission.

The Chair opened the floor to public comment. With no member of the public wishing to speak the Chair closed public comment. The Chair said that since Ms. Tintocalis was not present for the entire presentation she would not be able to comment. Ms. Tintocalis asked if she could comment under public comment and the Chair reopened public comment.

Ms. Tintocalis asked the applicant about the factors that made the applicants decide to open at this location. The applicant said that they wanted to stay close to their other location and about 50% of their customers are from Arlington.

Ms. Tintocalis asked what the hours of operation will be. The applicant said that at this point they plan to be open from 10:00 a.m. to midnight. Ms. Tintocalis asked about process for applying for a parklet permit. Ms. Lynema explained that the Select Board grants permits for parklets. The applicant said that is something they plan to do.

The Chair closed the floor to public comment.

The Chair reviewed the list of questions and concerns from the Board. Mr. Lau asked if the Board could allow review and approval by staff instead of the Board.

Mr. Lau moved to approve the Special Permit, Docket # 3702, 464 Mass. Ave., with the following special conditions, Mr. Benson seconded, approved 4-0 (Ms. Tintocalis abstained as she was not present for the entire hearing).

- 1) To have painting and signs reviewed and approved by the Historic Commission
- 2) That a minimum of one or both doors are updated to meet ADA requirements. The plans are to be reviewed and approved by Department staff.
- 3) Work with the Town to identify a location for a bike rack for public use.  
To add one interior long term bicycle parking space for employees.
- 4) To consolidate the two signs into one sign that meets the sign bylaw requirements. The final sign is to be reviewed and approved by Department staff.
- 5) The Board will grant the requested relief to decrease vehicle parking to zero as it is in the public interest.

The Chair introduced the third agenda item, Open Forum. With no members of the public in queue to speak the Chair closed the floor.

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

Meeting adjourned.

DRAFT

**Arlington Redevelopment Board**  
**Monday, July 11, 2022, at 7:30 PM**  
**Town Hall Auditorium**  
**730 Massachusetts Ave., Arlington, MA 02476**  
**Meeting Minutes**

This meeting was recorded by ACMi.

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

**STAFF:** Kelly Lynema, Acting Director, Department of Planning and Community Development

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

The Chair introduced the first agenda item, Environmental Design Review Special Permit Docket #3704, 18-20 Belknap Street. Ms. Lynema gave the Board an overview of this application and explained that the Redevelopment Board reviews special permit applications for properties that abut the Minuteman Bikeway. This property has a pre-existing nonconforming use because the structure was built before town zoning was established. The current owner is seeking to change the apartment building from the current illegal use with six units, to a legal nonconforming use of four units. The Board has to determine if they will allow an increase to the floor area ratio, or FAR, percentage before construction resumes. Ms. Lynema said that the Board may also like to look into the parking at the rear of the building and the third floor half story details.

The Chair asked the applicant's team to present. Counsel for the applicant, Donald Borenstein, explained that the lot at 18-20 Belknap has been an illegal six family apartment building for decades: the applicants would like to bring the building back to a legal nonconforming use with four family units. The applicants are seeking relief with an environmental design review. This project is the same project that was approved by Inspectional Services for building permits. Mr. Borenstein noted that the FAR will be larger than the current apartments with the pre-existing non-conformity. The plans also include a third floor half story addition.

Christopher Manley, the applicant, asked that the Board consider that the applicant followed the rules, made sure they were properly permitted, and worked closely with the Building Department/Inspectional Services. The project is meant to make improvements to the neighborhood and the public good. The current state of the building is more detrimental than the requested use changes. The applicant said that they rebuilt the foundation, removed a majority of the impervious paving, and removed a garage to increase green space and open space.

Mr. Lau said that he likes the project and it improves the neighborhood. Mr. Lau asked that the applicant commit to the green space. Mr. Lau suggested that a low structure or bushes be planted to avoid using the open space in the rear for parking. Mr. Lau said that he sees this is a Redevelopment Board review of this project, not the Zoning Board review.

Mr. Benson asked if the plans meet the requirements for a half story or not. The Chair said she spoke with Mike Ciampa, Director of Inspectional Services, and he said that the revised plans do meet requirements but the height of the half story may be inconsistent. Mr. Benson asked about the FAR calculations in determining the floor area and if the basement was included. The applicant said that the basement was just mechanical equipment before the redevelopment. Mr. Benson said the spaces in the basement need to be added to the gross floor area of the buildings FAR calculations. Mr. Benson said that the FAR calculations and setbacks need to be resolved before the Board can discuss granting relief. Mr. Benson said that the apartment building requires six long-term bicycle parking spaces to meet the zoning bylaw. Mr. Benson said that the building is visible from the bikeway depending on the season.

Ms. Tintocalis said that the Board is aware of the financial hardship and want to make sure that the project meets requirements going forward. Ms. Tintocalis said that the FAR is within reason, the project is a nice enhancement and investment in the neighborhood, and the open space should be maintained. Ms. Tintocalis asked where the additional FAR

comes from since the footprint of the building does not look to have changed. Mr. Manly said that enclosure of previously unenclosed space on the front and rear of the building make up the additional FAR calculation. Ms. Tintocalis asked how this situation could be avoided in the future. Ms. Lynema said that from what she understands the building permits were granted in error, and then it was recognized that the property abuts the Minuteman Bikeway and is required to be reviewed by the Redevelopment Board rather than the Zoning Board of Appeals.

Mr. Revilak questioned the dimensional work sheets and noticed that the basement space was not included. He said he would like to see that space added to the plans. Mr. Revilak said that usable open space non-conformity is very common in Town, especially in East Arlington. Usually if the applicant can show that they're increasing GFA but not changing the percentage of usable open space, then there is no change to the degree of non-conformity. It would be nice to have a plot plan with dimensions, setbacks, and dimensions of what was there before. Mr. Revilak said he would like to see the half story plan, including the area that needs to be at the seven foot height limit, so the Board can determine if it is 50% or not. The other criterion for a half story is that the slope must be 2 to 12; the flanks at the end of the half story plans are shown to have a 1:12 slope. The plans make the half story look like a full story. Mr. Revilak asked if this building should be considered a town house versus an apartment building, Mr.

Revilak said that he feels that this building falls more under the town house criteria. Mr. Benson said that it does not meet the criteria to be classified as a town house.

The Chair asked for the overall height of the building to make sure it has not gone over the requirement of 35 feet.

Mr. Benson said that when he visited the site the building did not look like it was being built to match the documentation. Mr. Manley said that the deck door placement was moved and adjustments were made to reduce the height of the building. Mr. Benson referred to the rendering included with page 46 of the plans.

The Chair opened the floor to the public comment.

Laura Tracey said that she is concerned about the Board setting precedent if they allow an increase of the FAR. Ms. Tracey said that she is upset that a permit was granted for a project that is not in compliance.

Austin Brown said that he found the slope height bylaw is not incredibly clear, especially when considering a gable roof. Mr. Brown said that he is not sure if the height bylaw applies to a section of the roof or the roof in entirety. Mr. Revilak said that he served on the Zoning Board of Appeals prior to joining this Board and the 2 to 12 requirement was always applied to every roof surface.

Anne Ellinger said that there has been so much confusion in the neighborhood and in the last two days there has been more clarification than the year prior. The neighbors would like to have the construction completed as soon as possible. It is very upsetting that more and smaller rental units are being reconstructed and to watch the character of the neighborhood change. Ms. Ellinger said that the neighbors would like the construction to be completed without setting precedence for developers to build larger and larger units.

The Chair acknowledged that the applicant is in a difficult situation. Occasionally mistakes are made in a permitting review and if/when the error is caught it must be addressed. Unfortunately, it has been caught in this point of the project. The Board will discuss what they can do to make this project work.

Mr. Lau spoke to the comment that it seems like sometimes the Board follows rules and sometime rules are not followed. Mr. Lau said that the Board is charged with a vision to help encourage development in town according to the Master Plan. One of the Board's incentives that the Board is allowed to give relief to some regulations in order to encourage the Town's

vision/Master Plan. Projects that are beneficial to the Town, like affordable housing, may receive relief from the Board.

Brian Tracey commented on the aesthetic issues, that the fencing pushes the house out towards the sidewalk visually. Mr. Tracey said that the bright paint colors used could be improved so the building does not look as large. Mr. Benson said that one of the things the Board will look at is if the construction changes are more detrimental to the neighborhood than what was there before. Mr. Tracey said that the house was in extremely rough shape before but asked if there are ways to make aesthetic improvements that do not have anything to do with zoning regulations.

With no other members of the public wishing to speak, the Chair closed the public comment period.

The Chair asked the Board for the information they would like the applicant to provide for the hearing continuation.

Mr. Revilak said he would like to see documentation to confirm that there was zero usable open space before construction, see dimensions added to the plot plan on plan sheet number A-3, and documentation to show that the upper story conforms to the definition of a half story.

Mr. Benson asked for the new gross floor area calculation and documentation to show how the first floor and second floors were calculated, an updated FAR calculation, diagrams of short term and long term bicycle parking, and screening on the left side of the property in the rear.

Mr. Lau asked for a plan to show how the applicants will preserve the open space.

Ms. Tintocalis asked the board about the public comment regarding the fencing, in terms of design. Ms. Tintocalis said the fencing does not relate to the house design, and if there an opportunity to use landscape design instead of fencing. The Chair said that the Board can ask the applicant to consider that request. Ms. Tintocalis said that it is an opportunity for additional plantings and to avoid stockade fencing.

The Chair said that the applicant may follow up with Ms. Lyenma and the Department for the Board's full list of requests. Mr. Borenstein said he would like the Board's feedback and thoughts regarding the FAR calculations.

Mr. Revilak said he is questioning if the long term indoor bicycle parking makes sense. Mr. Benson said that each unit has their own space in the basement.

The Chair brought up the question of the window wells protruding farther into the front yard area. Mr. Revilak said in his time on the Zoning Board that window wells were not included when calculating setbacks. The Chair said that the Board would need documentation.

Mr. Lau asked if there are sprinklers in the basement and if the basement is being treated as unoccupied space. Mr. Lau said that if the basement ceiling height is less than seven feet the basement is then considered unoccupied space, over seven feet in height is considered occupied space. Mr. Lau stated that the Board should review this case as an ARB project since the Zoning Board has passed this along to the ARB. The Chair said that this is a very unusual case and the Board does need to align with the requirements while keeping the Board's charge to create betterment to the community.

Ms. Tintocalis said based on the public comments it sounds like there is confusion and she sees Mr. Lau's point.

Mr. Revilak asked if the FAR requirement applies to this pre-existing non-conforming structure, as an "any other permitted structure".

Mr. Benson said that as a permitted structure the FAR does apply to it. Mr. Benson asked if this project should get an extra benefit because this plot abuts the Bikeway, therefore being reviewed by the Board not just the Zoning Board, than if the structure was in another location.

The Chair said she will meet with the Zoning Board Chair to come to consensus.

Ms. Tintocalis asked about future projects in this area the Board would be able to review and other properties that abut the Minuteman Bikeway. Mr. Lau said he would like to continue the discussion at the Board's retreat.

Mr. Benson moved to continue the hearing for Docket #3704, 18-20 Belknap Street to July 25, 2022, Mr. Lau seconded, approved 5-0.

The Chair introduced the second agenda item, Board Retreat Discuss dates for fall Board Retreat. The Chair identified that the Board would like to meet in September or October, hopefully after the new Director is identified. The Chair collected the following possible dates from the Board members: September 24th or 25th with backup dates of either October 15<sup>th</sup> or 16<sup>th</sup>.

The Chair introduced the second agenda item, Open Forum. With no members of the public wishing to speak the Chair closed the floor to Open Forum.

Mr. Lau moved to adjourn, Ms. Tintocalis seconded, approved 5-0.  
Meeting adjourned.

**Arlington Redevelopment Board**  
**Monday, July 25, 2022, at 7:30 PM**  
**Town Hall Select Board Chambers**  
**730 Massachusetts Ave., Arlington, MA 02476**  
**Meeting Minutes**

This meeting was recorded by ACMi.

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

**STAFF:** Kelly Lynema, Acting Director, Department of Planning and Community Development

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

The Chair introduced the first agenda item, Environmental Design Review Special Permit Docket #3707, 611 Massachusetts Avenue. Ms. Lynema gave an overview of this application for the Dallin Museum, located on a municipal property, to install a new post sign for the museum. Ms. Lynema said that there is no evidence of a permit for signage at this location in the past. Post signs are normally not allowed in this R1 district but the Board has the authority to allow signage that is not usually allowed in a particular district. Ms. Lynema explained that the sign is similar to the previous sign but is a bit smaller.

Heather Leavell, Director and Curator of the Cyrus Dallin Museum, reviewed the sign application for the Board. A professional sign maker who works with the Museum Trustees has been asked to create the sign that Ms. Leavell described. The sign is planned to be placed on the left side of the museum's front door. Ms. Leavell said that museum visitation has been low with Covid and the lack of sign has not helped.

Mr. Lau suggested cedar posts which are also resistant to wood rot may be a better choice than pressure treated wood and asked if the sign will be lit.

Ms. Lynema said that the sign itself is not illuminated but as part of the Whittemore Park improvements the building will include up lighting and that lighting will catch the sign.

Mr. Benson asked if the sign needs to be approved by the Historical Commission. Ms. Lynema confirmed that the Historical Commission must also approve the plans for the sign.

Ms. Tintocalis asked if the museum considered adding "open to the public" to the sign to attract more visitors.

The Chair opened the floor to public comment.

Sarah Burks, Chair of the museum's Board of Trustees, said that she supports this application and that the museum has not had a sign for a long time. Ms. Burks said that she speaks to people often that are not aware that the museum is in town.

With no other members of the public wishing to speak, the Chair closed the floor to public comment.

Mr. Benson said that there is precedence for signage such as this in a R1 zone adjacent to a business district.

Mr. Lau moved to approve the Special Permit for Docket #3707, 611 Massachusetts Avenue, that the nature of the use of the building and the location of the building is such to approve this sign with the special condition that any additional sign lighting be reviewed administratively by the Department of Planning and Community Development for adherence with the provisions of the sign bylaw, Ms. Tintocalis seconded, approved 5-0.

The Chair took agenda item number four out of order because it was too early to start the continued public hearing for Docket # 3704, which was scheduled for 8:00 p.m. The Chair introduced the Board Review of the 4/7/2022 draft meeting

minutes.



Some amendments were made by Board members. Mr. Lau moved to accept the meeting minutes for 4/7/2022 as amended, Ms. Tintocalis seconded, approved 5-0.

The Chair introduced the second agenda item, continued Public Hearing Environmental Design Review Special Permit Docket #3704, 18-20 Belknap Street. Ms. Lynema reviewed the application and explained that this is a pre-existing, nonconforming use.

Ms. Lynema said that she has not been able to determine the size of the parking buffer, other than that the applicant responded with the dimensions and materials the Board requested at the last hearing.

Chris Manley, the applicant, reviewed the list of updated dimensions and details requested by the Board. Mr. Manley said that he is open to plantings in the usable open space and will defer to his landscape designer. Mr. Manley said that he is considering other fence types, for example a shorter fence with open slats or a wrought iron fence, for the front of the property.

Mr. Lau asked about the height of the building and Mr. Manley said that the height from grade is 33.8 feet. Mr. Lau asked for clarification to confirm the building height. Mr. Manley said that the survey dimensions are the most accurate. Mr. Lau asked if the crushed stone surrounding the open space is included with the open space calculations. The applicant's counsel, Donald Borenstein, said that the Board can elect to waive or eliminate that five foot setback under the standard of this being a nonconforming pre-existing use and the change improves on previous conditions. Mr. Lau asked about the privacy fence, where it starts and ends. Mr. Manley said that fence starts at the neighboring building to the front of the building.

Mr. Benson said that he has questions about the disparities between the first application and the revised application. He asked for clarification regarding the size dimensions for the first floor and what are the changes. Mr. Manley said that plans for enclosed mudrooms on the front and rear of the first floor were discarded in order to meet FAR and setbacks. Mr. Manley said he is not sure why there is a six foot dimension change for the second floor, it may be due to modification of the decks. Mr. Benson said that he would like to see a comparison of the initial application and the revised application. Mr. Benson asked about the changes to the basement: the initial application said that the basement only held mechanicals. Mr. Manley said that he was incorrect and that there is both storage and mechanicals in the basement. Mr. Benson asked for a diagram for the basement so the Board can determine what the gross floor area was in the original. Mr. Benson asked for clarification regarding the attic dimensions and how the attic was expanded and yet ends up with lower gross floor area. Mr. Manley said that with the definition of a half story, those are the calculations that his team came up with and that Mike Ciampa, Director Inspectional Services, measured the building personally. Mr. Benson asked Mr. Manley if any part of the building with a ceiling lower than seven feet is not included with the gross floor area. Mr. Manley confirmed that is how the gross floor area was calculated. Mr. Benson said that he spoke with Christian Klein, the Chair of the Zoning Board of Appeals, and Mr. Klein said that with his experience on the ZBA, nonconforming structures, other than single or two-family dwellings, would not be permitted to further violate the dimensional and density regulations of the district in which it is located. This proposal cannot exceed the Floor Area Ratio (FAR) of the current building, Mr. Klein said that the applicant would have to meet the FAR of the old building or ask for a variance to increase the FAR of the new building. Landscaped or usable opens pace must also must be kept the same or increased so as not to increase the non-conformity. Mr. Benson said that Mr. Don Seltzer submitted an aerial photo with a view of the building in 2020 and Mr. Seltzer said that whole area in back of the garage was green space, and not paved over until the space was paved over between 2020 and 2022. Mr. Manley said he was not aware that the green space at the rear of the

building was recently paved. Mr. Benson asked about the calculations for FAR, gross floor area (GFA), usable open space, and landscaped open space.

Mr. Revilak asked about changes made to the slope of the outer side of the roof, Mr. Revilak asked if that was an error or modification. Mr. Manley said that the new measurements are due to modifications. Mr. Revilak asked about the setback and usable open space. Mr. Revilak said that when on the Zoning Board of Appeals (ZBA), porches were not included when calculating usable open space. Mr. Revilak asked if the property looked like the aerial photo Don Seltzer submitted. Mr. Manley said that the rear of the property was fully paved when it was recently purchased. Mr. Revilak said that the ZBA asked for the space with a ceiling height over seven feet when calculating gross floor area. Mechanical spaces are not included when calculating gross floor area in basements.

Ms. Tintocalis asked to review the size of each unit. Mr. Manley provided the area per unit: unit #1 is 1,866 square feet, unit #2 is 1,866 square feet, unit #3 is 2,033 square feet, and unit #4 is 2,033 square feet. Ms. Tintocalis stated that at these sizes the units are slightly bigger than the average starter home, which is 1,850 square feet. Ms. Tintocalis said she thinks that the applicant's requests are reasonable but does have some concerns about the planned fencing. Mr. Manley said that there is a similar six foot vinyl fence in the neighborhood. Ms. Tintocalis asked if the applicant would consider using fencing similar to the buildings that have already been updated on the block.

The Chair opened the floor to public comment.

Austin Brown asked who is in charge of measuring the final structure in regards to the roof 2 to 12 slope. The Chair said that the Building Department will confirm that the building has been constructed according to the approved plans. Mr. Brown said that neighbors feel that the applicant has been disingenuous regarding the numbers submitted and asked the Board to give that some consideration in their decision.

Begabati Lennihan said it feels like the developers are not acting in good faith in that the dimensions presented in their plans are not in compliance. The third floor does not look like a half-story but looks like a massive third floor. Ms. Lennihan said that the applicant said that they were in full compliance and the neighbors were surprised when the Board had the same concerns about the plans. The building is too big, it encroaches too close to the sidewalk, and the third floor looms over neighbors. Ms. Lennihan said that the large building feels like a bully. Ms. Lennihan suggested instead of having the applicant tear down the third floor and rebuild to code, to set a fine so onerous it will set precedence for the future and have the funds go towards affordable housing. Ms. Lennihan asked the Board how the neighbors can keep informed in a timely manner about this case.

Beate Mannstadt said that she remembers in 2020 that the owner at the time paved over all of the open space. Ms. Mannstadt noticed that the building is closer to the street now. Ms. Mannstadt said that she never felt threatened walking by the building before it was renovated but it did feel desolate when unoccupied.

Deborah Bermudes said that this applicant has been developing for a while so it was a shock when there were so many inconsistencies. She stated that asking if this project is of benefit to the neighborhood severely over simplifies the issue. In terms of property value Ms. Bermudes said that her property value has increased in recent years in the absence of large scale development. The addition of luxury condominiums is in no way "essential to public convenience or welfare." Ms. Bermudes said that the Master Plan talks about tear downs and "mansionizations," and replacement housing out of scale with neighborhood.

Chris Loreti said he would like to address the memo from Town Counsel, received before the last hearing. Mr. Loreti said that this is not a Special Permit case that should be before the Board but this case instead should be before the Zoning

Board of Appeals. The ZBA needs to make the finding that this development is not significantly more detrimental to the neighborhood than the existing nonconformity. The Balata Decision was misused by the applicant; this decision only applies to one or two family units, not a four unit apartment building. Mr. Loreti said that the memo from counsel states that the Board can grant relief to dimensions, which is actually not allowed through Environmental Design Review.

With no other members of the public wishing to speak the Chair closed the floor to public comment.

The Chair said her biggest concerns are the change in FAR from the original building to the renovated building, the half-story space, and uses in that space. The Chair asked the Board for items they would like the applicant to present at a new hearing or approve what can be approved tonight and the applicant will then go before the ZBA for a FAR variance.

Mr. Lau said that he likes the fact that the applicant reduced the density by reducing the number of apartments from six to four. Mr. Lau said he is going to rely on the Inspectional Services to ensure that the applicant complies with the bylaw. Mr. Lau said he does not like the parking in the back of the building. He is willing to give relief with the number of parking spots so the rear parking is not so crowded.

Mr. Benson said he would not approve this application if the FAR is greater than the FAR of the current building. Mr. Benson said that the Board's authority is limited in this residential case. There are just a few feet in the backyard that abut the Bikeway so this case is in front of the Board instead of the ZBA. Mr. Benson said that this building should not stick out from the neighboring buildings because of a small bit of backyard that abuts onto the Bikeway. Mr. Benson said that the Board should not handle anything differently than the ZBA. Mr. Benson said he would also give relief regarding the buffers for parking space reduction. The Building Inspector should determine that if the third floor meets building code.

Mr. Lau said he does not agree that only four feet of the property is touching the bikeway so it should not have come in front of the Board. Mr. Lau said if the property abuts, it abuts, and should be considered.

Mr. Benson asked what part of Environmental Design Review (EDR) says that the applicant should increase FAR. Mr. Benson said if it did review through the EDR he would come to the same conclusion that FAR should not be increased.

Mr. Lau said he appreciates that the applicant has decreased the number of units, improved the building, and planned a nice looking building that matches the character of the neighborhood.

Ms. Tintocalis said that she would like to see final revised dimensions to be approved by the Building Inspector. Ms. Tintocalis said that she agrees with Mr. Lau's suggested parking reduction. Ms. Tintocalis said that there should be some room for understanding with this project.

Mr. Revilak said he agrees with Ms. Tintocalis regarding parking. In terms of open space Mr. Revilak said that the applicant meets the requirements for landscaped open space and has reduced the nonconformity for usable open space. Mr. Revilak would like to see a condition on the permit that the Building Inspector confirms that the third floor meets the building code. Mr. Revilak said he is concerned with the FAR increase; it is not clear if the regulations were meant to apply to only new construction or all construction. He would like to see if the applicant can revise the plan for a conforming amount of open space.

The Chair said that she would like to approve relief for the number of parking spaces to allow the parking buffer, add the condition that the Building Inspector confirms the height of the building and the usability of the area of the half-story with a height less than seven feet, add a condition regarding the fencing in the front, and require that the applicant go before

the ZBA for a variance for any increase to the FAR.

Mr. Lau suggested that the basement space intended to be used as a family room/flex space for each unit be reclassified as storage space/unoccupied space so to meet the previous FAR and then go before the ZBA for a variance. The Chair said that storage space would still count towards the FAR calculation. Mr. Lau said that the original roofline is gone so he is not sure how the original FAR can be calculated. The Chair suggested using the property card in that case.

Mr. Revilak stated that variances are a very high standard to meet and Mr. Revilak said he feels that the applicant would be hard pressed to get a variance from the ZBA.

Bob Annese stated that the building is already built with approval from the ZBA. The Chair said that the fact that the building is not built to state and local laws, that the fault of the design professional. Mr. Annese said that if the FAR has to be reduced then something drastic needs to be done to the completed building. Mr. Annese said that the Board does have jurisdiction to grant relief if a structure is going from one nonconforming use to another.

The Chair said that the applicant needs to get the project closer to compliance with the existing FAR.

Mr. Borenstein said that he thought that applicant prepared everything that the Board asked for at the last hearing. The Chair confirmed that the applicant still needs to provide the correct FAR for the initial structure and the new structure. Mr. Manley reviewed the architect's process for calculating the gross floor area (GFA) and FAR for existing conditions. Mr. Manley said that the economics will not work if the parking or FAR are reduced because the units will not be as attractive to potential buyers.

Ms. Lynema said that FAR calculations do not include the garage but it may be the difference between the old and new FAR may be the attic space.

Mr. Revilak suggested reviewing with the applicant what the Board would like instead of having the applicant come before the Board again. Mr. Revilak said that if the .35 FAR limit is applicable to this building then the applicant should make the building smaller. If the Board thinks that the FAR limit is not applicable to this pre-existing nonconforming structure then Mr. Revilak would accept the FAR submitted.

Ms. Tintocalis said that she is comfortable with the applicant's FAR and the Board's ability to waive that requirement under these conditions. Mr. Lau stated that he agrees and he agrees with everything but the relief on the buffer zone. Mr. Lau said that if the applicant needs all eight parking spaces Mr. Lau will need the dimensions. Mr. Lau also stated that cars cannot park right along the property line.

Mr. Benson said he would make a motion to reject the Special Permit because the FAR is larger than the FAR of the old structure. Mr. Benson believes that the applicant should not make the nonconformity greater.

The Chair said that she would like to get to a place where the Board can approve the Special Permit, to suggest a modification that would be acceptable to the Board.

Mr. Benson said that the applicant would need to reduce the GFA by 593 square feet to meet the original GFA. Mr. Benson said that the zoning does not allow for nonconforming uses to become greater than the previous FAR.

The Chair said that she would need to see a reduction in the size of the dormers because they are oversized.

Mr. Lau suggested removing the hallway to the roof deck and mechanical area to shorten the dormer by a total of 8 +/- feet in length and relocating the access door to the adjacent wall.

Mr. Benson said if the structure were not subject to the FAR the structure would be applicable to maximum height, maximum stories, etc. The Board will be approving a permit for this nonconforming structure.

Mr. Manley said that his team is working to include a step back the third floor dormer to reduce massing.

Mr. Lau moved to approve the Special Permit for 18-20 Belknap, Docket #3707 with the following conditions, Ms. Tintocalis seconded, approved 4-1 (Mr. Benson opposed):

- Building inspector to confirm the height of the building is below 35 feet
- Building inspector review the use of the area proposed in the half-story of the building below 7 feet.
- Reduce the parking spaces to between 4 and 6 to include a buffer zone, subject to review and approval by the Department of Planning and Community Development (DPCD).
- Reduction in the four corners of the third floor to reduce the overall massing of the dormers, subject to review and approval by the DPCD
- Fencing in the front of the property be no higher than three foot six with open slats.

The Chair introduced the third agenda item, Open Space and Recreation Plan Update. The Chair asked for an overview of the Open Space and Recreation Plan so that the Board may vote to endorse the plan. Ann LeRoyer, Chair of the Open Space Committee, and David Morgan, Environmental Planner and Conservation Agent for the Town of Arlington, discussed the Plan. Ms. LeRoyer said that the Open Space Committee (OSC) has already received conditional approval from the State for this plan. Ms. LeRoyer said that the OSC requested community feedback by way of a survey, from residents, employees, and committee members. The OSC then turned the feedback and needs expressed into the goals for the action plan. Ms. LeRoyer said that there were three themes she noticed throughout the process: sustainability, accessibility, and collaboration. Other constant concerns have to do with the maintenance of parks, playing fields, other open spaces, staffing needs, education, communication, and acquisition of more open space. Ms. LeRoyer said that the committee is thinking about creating open space in Arlington and being creative since Arlington is pretty built out.

Mr. Morgan said that the conditional acceptance letter from the Office of Environmental Affairs described this plan as particularly thorough. The OSC has gone above and beyond to provide a very comprehensive plan. Mr. Morgan said as an Environmental Planner this plan is very valuable and will serve as a checklist that connects with the Planning Department's existing plans, ongoing work, and will also help with working together interdepartmentally. Mr. Morgan said that the plan is very significant to his work and is grateful to Ms. LeRoyer and the Open Space Committee.

Mr. Lau asked if the OSC was including the Arlington street rain garden pilot program. Ms. LeRoyer said that the OSC lays out plans and ideas; the OSC does not own or manage any land. Ms. LeRoyer said that Mystic River Watershed Association, The Department of Public Works, and the Conservation Commission worked on the street rain garden pilot. Ms. LeRoyer said that the street rain gardens are mentioned in the OSC's plan. Mr. Morgan said that one of the goals is to increase the biodiversity in those rain gardens and Mr. Morgan has been discussing the plan with the Engineering Division. Ms. LeRoyer said that this is an example of finding nontraditional open spaces, which are important to assist with stormwater runoff, pollinator plantings, and breaking up large areas of paved space.

Mr. Benson said that he assisted with the Town's plan in the 90's, which the OSC was born from. Mr. Benson asked about the mountain biking path at Hill's Hill and if the plan discusses how that is established. Ms. LeRoyer said that Parks and Recreation has a hearing to discuss those plans scheduled. The OSC is meeting to discuss if this is a good idea. Mr. Benson asked if a balance of recreation and conservation can be included when planning open space uses. Mr. Benson said he

would also like to have the Town's stance against artificial turf fields included with the plan as turf is bad for the environment. Mr. Benson also asked that as the town diversifies if the Town's parks are meeting all of the residents' needs. Mr. Benson asked about the plans for the Mugar property.

Ms. Tintocalis asked about implementation and action items and who would be the point person. Ms. LeRoyer said that the collaborators are not listed in order with the plan. Ms. LeRoyer said that different projects will have staff, committee members, and volunteers involved. Ms. Tintocalis asked Ms. LeRoyer to describe the OSC's maintenance concerns. Ms. LeRoyer said that all types of maintenance are concerns and the maintenance usually falls to DPW. Mr. Morgan said that a Public Land Management Plan will be the operations and maintenance manual for a select number of Town owned properties. Mr. Morgan said that the Public Land Management Plan is about 60% completed at this point. Ms. Tintocalis asked if the Municipal Vulnerability Preparedness Plan (MVP plan), complements the Open Space and Recreation Plan. Ms. LeRoyer said that the MVP plan is mentioned in the Open Space and Recreation Plan.

Mr. Revilak said that he thought it was a very comprehensive plan that includes a lot of goals moving forward. According to the appendix, with survey demographics break down, Mr. Revilak said he noticed that the longer a resident lived in town, or the higher their level of income, the more likely they were to take the survey. The most likely participants earn \$200,000 or more and have been Arlington residents for 20 plus years. Mr. Revilak asked if the consideration of bias was discussed by the OSC and in preparation for this plan. Ms. LeRoyer said that the public participation process is something that the OSC was very concerned about. The OSC worked with Arlington EATS, the Arlington Housing Authority, the Town's Department of Diversity, Equity, and Inclusion, and worked to solicit community input at listening posts stationed at farmers' markets and in public spaces. Mr. Revilak said that that community involvement is a tough issue and appreciates Ms. LeRoyer's perspective.

The Chair said that she appreciates the history included with the plan and was struck by the maintenance piece. It is difficult to invest in more programs if we do not invest in the proper maintenance and care for what we already have. The Chair said that a citizen petition came before the Board that addressed the way that some of the open spaces are used and programmed to form more community building. The Chair also mentioned that the Board submitted warrant articles at the previous Town Meeting to remove some of the permitting requirements to use open space for non-profit and for profit programming. The Board supports a wide range of activity in the parks.

Mr. Lau moved to endorse the Open Space and Recreation Plan update and to support the Chair working with the Department of Planning and Community Development to craft a letter in of support for the plan, Ms. Tintocalis seconded, approved 5-0.

The Chair introduced agenda item number five, Open Forum. With no members of the public present, the Chair closed the open forum portion of the meeting.

Mr. Revilak suggested that in light of the evening's public hearing that the Board continue to work to clarify the zoning bylaw. The Chair said that would be a good discussion for the Board's retreat.

Mr. Lau moved to adjourn, Ms. Tintocalis seconded, approved 5-0.  
Meeting adjourned.

