

**Arlington Redevelopment Board**  
**Monday, September 18, 2023, at 7:30 PM**  
**Community Center, Main Hall**  
**27 Maple Street, Arlington, MA 02476**  
**Meeting Minutes**

This meeting was recorded by ACMi.

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

**STAFF:** Claire Ricker, Director, Planning and Community Development

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The Chair called the meeting of the Board to order.

The Chair opened with **Agenda Item 1 – Public Hearing: Docket #3766, 315 Broadway.**

The Chair invited the applicant to provide an introductory presentation. Stuart Pitchel, owner of SRP Sign Corporation, introduced himself. Thai Moon is a restaurant that's been in Arlington for some time. They had a fire in their old location and moved to their current location at 315 Broadway. The property is owned by ACS Development. His understanding is that the sign requires a Special Permit because it is internally illuminated. The sign consists of reverse channel letters; the letters are opaque and fabricated from aluminum. There is secondary lighting inside the sign which shines against the building, creating a halo. The background of the sign is proposed to be 10 feet long by 2 feet high and will attach to the existing structure. No power source or hardware will be visible.

Ms. Ricker said that the applicant is seeking relief to exceed the maximum width for signage, both for the wall sign and the awning. In addition, internally illuminated signs are under the jurisdiction of the Board.

Mr. Lau noted that plenty of the signs in that area are internally lit, so he doesn't see a problem with Thai Moon's sign being internally lit. He thinks that the design fits in with the area. He has no issues with the awning or internal illumination. He's undecided about requiring the applicant to reduce the size or allowing the proposed size.

Mr. Benson asked for further clarification about how the wall sign will be lit. Mr. Pitchel explained that the structure has existing rails, to which the sign will be attached. They will fabricate a backer, which will be a solid color. The letters will be fabricated separately of aluminum. The front of the letters will be opaque, and they will be mounted an inch and a half off the background. The back of the letters will be clear, with white LED lights inside the letters. The light will shine against the backer and create a halo effect. Because the lights are inside the letters, they will not be visible.

Mr. Revilak noted that the wall placement standards for wall sign require that each side of the sign have 20% of the total width of the space or 12 inches, whichever is less. This is a 13-foot-wide storefront, so the maximum allowed width of the sign would be 132 inches, and the applicant is proposing a sign width of 139 inches. The applicant noted that the other signs in the area are all the same size as the storefront; no one is leaving 12 inches or 20% on either side. The Chair said that they may be existing non-conforming signs, but that the plan of the Board is to bring things into compliance when they can.

The Chair noted that on the photo of the existing storefront, there are gooseneck lights above the sign. She asked if they would be removed. The applicant said that he thinks the property owner is planning to remove them, but it would not be within his scope to do so. The owner's electrician would have to do it. The Chair said that she would like to impose the condition of having the gooseneck lights removed and the cornice patched and repaired.

The Chair opened the floor for public comment on this application.

- Michael Ruderman, 9 Alton Street – He lives right around the corner from 315 Broadway. He likes the design and the fact that it will be internally lit. He thinks there's no possibility of broad light spillage over the plaza or around the corner. He would like to see the cornice cleaned up by removing the non-functioning lights and restoring a clean and finished look. He's happy that Thai Moon has found a new location and is glad that the

storefront is going to use. He has a question about traffic patterns in and out of the Broadway plaza area, which has been of concern to the neighbors. The Chair said that the Board is only taking up the issue of the signage as part of this hearing.

- Carl Wagner, Edgehill Road, Town Meeting Member, Precinct 15 – He thinks it’s great to see Thai Moon coming back. He’s only sorry for the paltry showing of people who could offer their support. He said that the Board should give Arlington hybrid meetings. The Chair said that they are only accepting comment on this particular application. He is glad to see the words “Thai” and “Moon” with the crescent moon shape, and he thinks Arlington deserves to be able to comment to the Board and see what they’re doing on this proposal and on the other things that they will address this evening. Many other Boards have already gone to hybrid meetings. The Chair said that he was out of scope and asked if he had any further comment on this particular proposal. He said that he hopes people will insist that the Board go to hybrid meetings.

Mr. Benson said that he is in favor of the proposal. He thinks it meets the criteria for the Board to allow a larger sign because of the architecture and location of the building relative to the street. If the sign were smaller, the letters would be more difficult to see. The standard for lighting is that internally illuminated signs are allowed unless there’s a directly exposed light source, which this proposal does not have. He agrees with the Chair that the gooseneck lamps should be removed.

Mr. Revilak said that he is also in favor. The relief sought is a relatively small number of inches. He noted that the awning size also requires relief, but they’re taking up half the area that they could, so he is okay with that. The Chair clarified the amount of relief requested. The sign width on the awning is allowed to be 60% of the width of the awning as the maximum length of the sign. In addition, the wall sign is allowed to be no more than 60% of the height of the sign board as well as the 60% of the width. Mr. Revilak noted that they are allowed one square foot of sign per linear foot of awning. The awning is 13 feet long, so the awning sign could be up to 13 square feet, and the proposed awning sign is not quite 5 square feet.

Mr. Lau said that he is fine with the application as proposed.

The Chair asked for a motion to approve Docket #3766 for 315 Broadway, with the condition that the applicant must remove existing exterior lights and associated conduit and patch and repair the façade after the removal. Mr. Lau so moved, and Mr. Benson seconded. Mr. Benson said that the Board should make a finding that they are approving the application under Section 6.2.2.C.(1), for a Special Sign Permit. The Board voted and approved unanimously.

The Chair moved to **Agenda Item 2 – Public Hearing: Warrant Articles for Fall 2023 Special Town Meeting.**

The Chair said that this is the second of three nights of hearings for a total of ten warrant articles. The Board will hear public comment only on the nine articles scheduled on tonight’s agenda. The Board will pose questions tonight but will reserve deliberation and voting on recommended action on each article until the last night of hearings, which is October 2, 2023. Anyone wishing to address the Board will signify that they wish to speak by raising their hand when the Chair announces that the public comment period is open for each of the articles. Each speaker must preface their comments by giving their first and last name and Arlington street address. Remarks will be limited to three minutes. Anyone with additional comments for the Board about matters not on tonight’s agenda is asked to submit comments in writing. Comments will be accepted up until Special Town Meeting, but they are particularly useful as the Board approaches its October 2, 2023, meeting. Attendees shall not applaud or otherwise express approval or disapproval of any statements made or actions taking place, and shall refrain from interrupting speakers. Everyone should conduct themselves in a civil and courteous manner. If an individual repeatedly fails to adhere to this requirement, they will be asked to remove themselves from the public hearing. Speakers should not attempt to engage in debate or dialogue with Board members or other hearing participants. Questions will be saved until the end of the hearing and addressed then. If the Board determines that a clarification is required, the Chair will call upon the appropriate person to provide clarification.

**ARTICLE B (tentatively scheduled, subject to change)**

**ZONING BYLAW AMENDMENT/ OPEN SPACE IN BUSINESS DISTRICTS**

To see if the Town will vote to amend the Zoning Bylaw to update Section 2 DEFINITIONS, Section 5.3.21

SUPPLEMENTAL REQUIREMENTS IN THE BUSINESS AND INDUSTRIAL DISTRICTS, Section 5.3.22 GROSS FLOOR AREA,

and Section 5.5.2 DIMENSIONAL AND DENSITY REQUIREMENTS to modify the requirements for landscaped and usable open space in the Business Zoning Districts; or take any action related thereto.

**Presentation of Article:**

Mr. Benson presented this amendment. In the current zoning bylaws, one can have landscaped open space on a balcony or a roof, as long as it is not more than ten feet above the level of the lowest stories for dwelling purposes. The Board discussed this issue in the spring and decided that it made no sense to determine where on the building the landscaped open space could be. This amendment would allow the opportunity to have landscaped open space on a balcony or roof anywhere on a building. The amendment also proposes to eliminate the requirement that open space is deemed usable only if at least 75% of the area has a grade of less than 8%. In the posted warrant article language, Mr. Benson accidentally deleted Section 5.3.22.C. That should not be deleted; instead it should say, "For the purposes of this bylaw, the district dimensional requirements for Usable Open Space and Landscaped Open Space are calculated based on Gross Floor Area in all districts except the Business Districts. In the Business Districts, see Section 5.5.2.B." At the end of Section 5.5.2.B, the proposed amendment adds, "In the Business Districts, the district dimensional requirements for Landscaped Open Space and Usable Open Space are calculated based on the lot area." This amendment would encourage green space on balconies and roofs and would delete the requirement for usable open space for some parts of the business districts because usable open space doesn't have to be green space.

The Chair opened the floor to public comment.

- Laurel Kane, 79 Westmoreland Ave – Someone who, like her, is not well versed in these issues, would understand open space to be not a balcony or roof. She wonders what is at the root of this. It feels like a way of allowing businesses to reduce actual open space by implementing a roof or balcony garden. Those are good things, but they shouldn't be implemented at the expense of open space on the ground.
- Carl Wagner, Edgehill Road, Town Meeting Member, Precinct 15 – He feels that the format of the meeting is suppressing public comment. Article B is one of the 2019 density articles. The 2019 density articles, despite six months of public input and public meetings, were determined by Town Meeting to be inappropriate for Arlington and not properly prepared. Town Meeting specifically said that articles like this that remove open space in the business district and define balconies and roofs as open space are ridiculous. Town Meeting told the Redevelopment Board that they would not support this. Andrew Bunnell, the chair of the Board at the time, made a speech in which he apologized and said that the Board would not bring articles like this to Town Meeting unless it has the community's buy-in. The Board has held no public meetings for Articles B through J. They are being rushed through on a rainy night with just a few people hearing them. In 2019, when Town Meeting said no to this, there were three to six months of meetings. We should not be defining balconies and roofs as open space when we have a climate crisis, and we need to save our permeable spaces and open spaces. This article would affect many uses beyond business, such as mixed-use. These articles deserve to be publicly heard by the people and Town Meeting. He asks the Board to reject them until the Director of the Department of Planning and Community Development offers adequate hearing to the people of Arlington and Town Meeting.
- Elizabeth Carr-Jones, 1 Lehigh Street – She is concerned about this article. Does the elimination of the open space requirement for certain properties in the business district mean that that space would be built upon and not used for something that would be of more use to the community, like outdoor seating for cafes or restaurants? She understands that it is not a requirement that open space be green, but if it's going to be built on, that's to the detriment of the town in terms of the overall open space that we have available as a community.
- Chris Loretto, 56 Adams Street – The changes to the definition go beyond the scope of the article in that they also apply to non-business districts. This article is supposed to be focused specifically on business districts, but a changed definition will also apply to residential districts. That will allow usable open space on the roof of multi-story buildings and on lot areas that are very steep. He can see people in residential districts trying to claim that their roofs are usable open space simply because they have access to them. Apartment

buildings and condos should not be exempt from the open space requirements merely because they were built in a B district rather than an R district. By making these changes, the Board has provided an explanation that usable open space for the business districts is based on the lot area, but now there's no explanation of what it's based on for residential districts. He hopes the Board will reject this article.

- Joanne Cullinane, 69 Newland Road – This amendment seems like a reduction of green space for the town as a whole. It seems like they're trying to pave over every square inch, and she opposes it.
- Radnakar Venkati, 21 Adams Street – He supports this article. We need to move along with the times. This is how LEED and SITES certify projects. They consider roofs open space. As long as a space is open to the public, it is an open space. We live in a three-dimensional world. People have done vertical farming; if we can do that, why can't we consider roof terraces? Let's use the third dimension of this planet as well and consider it open space.
- Matt Miller, 42 Columbia Road – A rooftop is not accessible to everyone. Accessible green space is what the public can access. If everything is on the roof, then how much green space is there for the public? He questions that that is appropriate use of the land and thinks that it should be open for discussion with the people in the town. He moved to Arlington because it is not Somerville; we do not have sidewalks everywhere. Arlington also has better schools; if a lot of people move into Arlington, what will we do about the high school? We planned ahead for a bigger high school, and if we overfill it already, that's not an appropriate use of the town resources.
- Kristin Anderson, 12 Upland Rd West – She asks the Board to be cognizant of the fact that since the pandemic, people have been congregating outdoors more. It would be great if we had more outdoor restaurant seating. It's not as pleasant to sit in the street as it would be on a nice terrace, especially under a tree. She would like the Board to find ways to encourage more outdoor seating.

#### **Board Discussion:**

The Chair clarified that usable open space does not necessarily mean that it is open to the public. There is no requirement that easements are provided by the property owner. It could be only for the use of those working or living within that building.

Mr. Benson clarified that the bylaw now allows landscaped open space to be on a balcony or a roof, it just limits the height. This amendment eliminates the height limit, so the whole building could have green space. There is no public right for use of open space; whether it's landscaped or usable open space, it belongs to the property owner, who can decide whether the public is allowed on and if so, under what circumstances.

Mr. Benson said that he would like to discuss whether the Board wants to maintain the requirement that open space is deemed usable only if at least 75% of the area has a grade of less than 8%. Mr. Revilak said that eliminating that requirement would eliminate a lot of nonconformities, given the number of homes on hills. But given the scope of the article focusing on business districts, he would prefer to keep that language. Mr. Benson proposed revising the two changes of definitions so that they only apply to the business districts, to make them more consistent with the scope of the article. Mr. Lau asked how that language would affect a property owner whose property is on a hill. If the slope behind a building is greater than 8%, could it not be counted as open space? The Chair clarified that it couldn't be counted as usable open space, but it could be landscaped open space. Mr. Lau pointed out that the current language means an area on a hill with a terraced walking path and sitting areas wouldn't count as usable open space. He thinks keeping that language limits business growth in hilly areas, so he thinks it should be eliminated. The Chair noted that because this language is in the definition of usable open space, they would have to be clear that they were only striking it for the business districts. Mr. Revilak pointed out that this actually doesn't apply to the business districts, because the usable open space requirement is being eliminated for the business districts. The Chair said that the definition still applies both to business and residential districts, so to keep it specific to business, they would need to keep the language in and not eliminate it.

#### **ARTICLE C (tentatively scheduled, subject to change)**

## **ZONING BYLAW AMENDMENT/ REAR YARD SETBACKS IN BUSINESS DISTRICTS**

To see if the Town will vote to amend the Zoning Bylaw to update Section 5.5.2. DIMENSIONAL AND DENSITY REQUIREMENTS to reduce the rear yard setback or to allow for a variable rear yard setback and establish the criteria for such requirements for any use in the Business Districts; or take any action related thereto.

### **Presentation of Article:**

Mr. Benson said that he included a variable setback, rather than zero or fixed setbacks. He also added apartment buildings so that it was consistent for buildings of a consistent size. The proposal is not to get rid of rear yard setbacks, but making them variable depending on what's in back of the building and the size of the building.

Mr. Revilak agrees with the choice of making the rear setbacks variable, because that makes the requirement sensitive to what is around the building and takes context into account.

The Chair opened the floor to public comment.

- Carl Wagner, Edgehill Rd – He is concerned that Article C, like Article B, is being presented with zero public chance for comment and changes. This is another of the 2019 density articles that the Redevelopment Board was forced to pull their support for because Town Meeting felt that it was not properly presented and the town of Arlington did not have proper input. It looks like the changes are a drastic limitation in the commercial districts, which can include mixed-use. He would ask the Board to reject this and push it to a spring Town Meeting, after the Director of DPCD institutes proper public input meetings and open forums.
- Aram Hollman, 12 Whittemore St – He agrees with Mr. Wagner. There has not been an opportunity for public comment. This is very last-minute, which is antithetical to the spirit of consideration and debate that is typical of Arlington. This is the kind of discretion that the Board is trying to give itself which has rendered it unaccountable and has given people the impression that it's highly arbitrary. He doesn't think the Board should have that kind of discretion.
- Chris Loretto, 56 Adams St – Some people say that Town officials want to turn Arlington into Somerville. In looking at this particular article, when the Planning Department reviewed the regulations for various other towns, they picked the one that was the least restrictive, and that was Somerville. So what is being proposed here is to adopt Somerville's zoning regulations for rear yard setbacks for business uses. A mixed-use development would have a zero setback for something like the bike path, because the bike path is next to a right-of-way. If the right-of-way happens to be a street, then the rear yard setbacks shouldn't apply, because it's another front yard. The way the amendment is worded is confusing. It talks about having a 30-foot setback if a building is above a certain number of stories. Is that another step-back requirement, or does the entire building have to be set back 30 feet? He also thinks that rather than being based on the zoning district of the abutting lot, it should be based on the use. Because Arlington allows residential uses in business districts, it's more appropriate to look at how the adjoining lot is actually being used. He thinks the Board should not approve this amendment right now.
- Elizabeth Carr-Jones, 1 Lehigh St – It looks to her like the only properties that would be protected after this change would be single-family homes. It looks like everything else is crossed off. She thinks that R2 districts should be protected as well.

### **Board Discussion:**

Mr. Benson clarified that this amendment would only apply to certain buildings in the business district. If a building abuts any residential district, they have to meet the setback requirements.

Mr. Benson replied to the comment that the Board is giving itself too much discretion, saying that this amendment takes away any discretion. It just changes what the setback requirements are to better reflect the size of the building and what's behind the building. The Board is trying to put it in a better context than the context is now.

Mr. Revilak said that he does not believe that this amendment was proposed in 2019. Mr. Benson agreed. The Chair said that all these amendments were originally discussed at several Redevelopment Board meetings in the winter, ending up on the original Spring Town Meeting agenda. It was then requested that they be moved to the fall because of the numerous other articles were already on the Spring Town Meeting agenda which were not Redevelopment Board articles.

**ARTICLE D (tentatively scheduled, subject to change)**

**ZONING BYLAW AMENDMENT/ STEP BACK REQUIREMENTS IN BUSINESS DISTRICTS**

To see if the Town will vote to amend the Zoning Bylaw to update Section 2 DEFINITIONS and Section 5 DISTRICT REGULATIONS to clarify and adjust the upper-story building step back to begin at a higher story, clarify the measurement shall be from the principal property line, specify the applicable façades of a building for which the step back is required, and allow for an exemption for smaller parcels for buildings subject to Environmental Design Review with certain exceptions; or take any action related thereto.

**Presentation of Article:**

Mr. Benson said that this amendment captures what the Board has talked about more than once at public meetings:

- 1) The step-back would be along the principal façade of the building and not along numerous sides of the building.
- 2) The Board has not come to agreement and needs to discuss whether the step-back should be on the 4<sup>th</sup> or 5<sup>th</sup> floor. Right now it's on the 4<sup>th</sup> floor. As written, this amendment proposes to move it to the 5<sup>th</sup> floor.
- 3) For a building with street frontage on Mass Ave or Broadway, the principal façade and principal property line are presumed to be facing Mass Ave or Broadway, even if it's on a corner lot facing another street as well.
- 4) The current bylaw says that the step-back must be measured from the principal property line. The Board has interpreted that in different ways.
- 5) The step-back requirements are located in two parts of the zoning bylaw, so he deleted the second one, which was 5.3.21C (renumbering D and E as C and D), because it was the same as in 5.3.17.

Mr. Lau said that he thinks the step-back should be measured from the property line. The 5<sup>th</sup> floor step-back should be at least 7.5 feet from the property line, regardless of what's happening on the lower floors. The top floor is the one that casts a shadow on to the street. He also thinks that the step-backs should start on the 5<sup>th</sup> floor.

Mr. Revilak asked about the removal of the sentence, "This requirement shall not apply to the buildings in the Industrial District." Mr. Benson said that the Industrial District has its own set of requirements in the bylaws. Mr. Revilak said that the industrial districts have their own set of performance standards, which doesn't require step-backs, and he thinks that that sentence should be restored. He would prefer to have the step-back start from the yard set-back, but in these cases the yard set-back is zero, so it's okay to say that the step-back is measured from the property line. He is undecided as to whether the step-back should apply to the 4<sup>th</sup> or 5<sup>th</sup> floor.

The Chair would prefer to keep the step-back requirement at the 4<sup>th</sup> floor, as it is currently. It provides an opportunity for a more dynamic façade in terms of the height that is currently permitted. Mr. Benson would also prefer to keep the step-back on the 4<sup>th</sup> floor.

The Chair opened the floor to public comment.

- Aram Hollman, Edgehill Rd – He also thinks this amendment is a not a good idea. The current bylaw says that the step-back shall be provided along all building elevations, but the amendment limits the step-back to only one side of the building. He thinks that's poor treatment of people on the side streets.

- Laurel Kane, 79 Westmoreland Ave – This stuff is really hard to understand. She respects that the Board has the hearing and is opening it up to public comment, but she doesn't feel able to make an informed comment. She would like to see a mechanism by which the complex work they do could be translated or illustrated in a way that makes it more accessible to people.
- Chris Loretta, 56 Adams St – The step-backs were originally sold to Town Meeting as a way of ameliorating the higher building heights that were being allowed under other zoning changes. The express intent was to have the step-backs on all street frontages and to start them at the 4<sup>th</sup> floor. Most residents don't even want 5-story buildings on Mass Ave and Broadway, and the Master Planning process showed that. It's arbitrary to define the principal façade as being on Mass Ave and Broadway. For many of these buildings, the longest street frontage is on the side streets, which are narrower than Mass Ave or Broadway, so those streets need the step-backs more than the major thoroughfares. He thinks that this bylaw change should not be made at all.

**Board Discussion:**

Mr. Benson clarified that although the amendment says that the principal property line is presumed to be on Mass Ave or Broadway, that can be changed. If a building is only a little bit on Mass Ave or Broadway and a lot on a side street, the Board can make the determination that the side street is a more appropriate place for the step-back.

Mr. Revilak said that he would join the Chair and Mr. Benson in preferring to keep the step-back at 4 stories, rather than increasing it to 5 stories.

**ARTICLE E (tentatively scheduled, subject to change)**

**ZONING BYLAW AMENDMENT/ REDUCED HEIGHT BUFFER AREA**

To see if the Town will vote to amend the zoning bylaw to update Section 5.3.19 to define a "finding" by the Arlington Redevelopment Board and the Board of Appeals regarding reduced height buffer areas.

**Presentation of Article:**

Mr. Benson does not think that the lower height numbers make sense, and he doesn't think that it's in the scope of the Board. The Chair agreed with Mr. Benson. She thinks that the Board should discuss it further and perhaps come back in the spring with a modified article. The Chair proposed voting no action and not moving it forward.

Mr. Revilak said that the height buffer distances were in the 1975 version of this bylaw, in which Planned Unit Development District allowed 200-foot-high buildings, and the R7 and B5 Districts allowed 110-foot-high buildings. Each of those districts was down-zoned later, but no one ever updated the height buffer. In the geometry of the triangle, we've changed the height but not the base, and he thinks that it's worth changing the base to get back to where it was. The Chair said she thinks that was the original intent of this amendment. She thinks that additional study would be beneficial in order to determine the exact numbers.

The Chair opened the floor to public comment.

- Carl Wagner, Edgehill Rd – This is another of the 2019 density articles which were given extensive chance for the public to hear about. He said that the amendment is proposing to reduce the height buffers by three-quarters. People who live in single- or two-family homes that back up against these buildings are going to have enormous buildings as proposed by other articles – the MBTA Communities density overlay – much closer to them. He said that none of these amendments were open to the town prior to the Spring Town Meeting. We are seeing them for the first time. He asks that the Board vote no action on all these amendments, and push them to Spring Town Meeting and ask the Planning Director to give presentations where people can give proper input.
- Aram Hollman, 12 Whittemore St – He agrees with Mr. Wagner. He does not think that the Redevelopment Board should have this kind of discretion. It is highly technical and difficult to understand, and pictures would help. Delaying until Spring Town Meeting will allow time to put together visuals which clarify what

this is. If this passes, it will add to the popular perception that the Redevelopment Board is a body that is simply responsive to developers, but not to the citizens who pay for it.

- Chris Loretto, 56 Adams St – The way the bylaw language change is put in is way outside the scope of the article, which deals with rear yard setbacks. What’s proposed completely eviscerates the height buffer. The reference to not being detrimental based upon criteria established in Sections 3.3.3 and 3.3.4 is completely meaningless, because those Sections have nothing to do with the height of the building or with relevant criteria of things like solar access. If the Redevelopment Board wants to get rid of height buffers, they ought to put that before Town Meeting and be honest about it. But the Board already has the power on a case by case basis if they can find that the abutting properties are not adversely affected, so this amendment is unnecessary.

#### **Board Discussion:**

Mr. Benson clarified that in a few places in the Zoning Bylaw, buildings can be two different heights. If there are two different height options, the lower height option must be used if the building is within a certain number of feet from a residential district, unless the Redevelopment Board finds that it’s not detrimental. This amendment changes the wording and the heights involved.

The Board feels that this amendment is not ready and will not bring it to Town Meeting at this time.

#### **ARTICLE F (tentatively scheduled, subject to change)**

##### **ZONING BYLAW AMENDMENT/CORNER LOT REQUIREMENTS**

To see if the Town will vote to amend Section 5.3.8 CORNER LOTS AND THROUGH LOTS to amend the requirement for corner lots in all Business Districts which requires the minimum street yard to be equal to the required front yard depth; or take any action related thereto.

#### **Presentation of Article:**

Mr. Benson explained the purpose of the amendment. In the current zoning bylaws, a building on a corner lot in the business district is subject to different setback requirements on the two street-facing sides. The amendment says that in a business district, buildings will be subject to the setbacks required in the business districts on both street-facing sides. The setback on the façade facing the side street will not be subject to the setbacks required of the neighboring lots on the side street in the residential district. This has come up numerous times, and the Board has had to waive the requirement that the side yard be subject to the setbacks required of neighboring residential lots, either because the building was already there, or because it didn’t make sense not to allow the development to go to the property line. The Board felt that it made sense to amend the bylaws to allow by right what the Board regularly allows by waiving the requirements.

Mr. Lau said that for corner lots, the bylaws consider both street-facing sides of the property to be front yards, and the two other sides to be side yards, with no rear yards. He asked if this amendment would change that. Mr. Benson said that it would not.

Mr. Revilak said that he is in favor of this amendment.

The Chair opened the floor to public comment.

- Elizabeth Carr-Jones, 1 Lehigh St – She asked about roadway visibility issues around corners that are built to the property line. She understands that the bylaws restricts anything being built such that it obstructs the roadway visibility. She asked if this amendment would effectively get rid of that bylaw.
- Chris Loretto, 56 Adams St – He finds this amendment unacceptable. It’s important for people to understand that residential properties abutting businesses could be faced with a large mixed-use development going up next to them that has zero front or side yard setbacks. The Mystic One development that the Redevelopment Board approved on Broadway isn’t very far along in its construction, but if it were farther along, people could see what sort of damage this type of change allows. He asked the Board why, if they

think they have the power to waive the requirement, they feel the need for a zoning change. He said that the Board does not really have that power, and they will soon not have a Town Counsel who thinks they have that power. He thinks that the Board should scrap this amendment because it is potentially very damaging to people who live in homes on lots next to Mass Ave or Broadway, and even homes that are interspersed with business lots on those roads as well.

- Matt Miller, 42 Columbia Rd – He asked what would happen in terms of snow removal. He also said that there are already buildings on Broadway that are a concern because you can't see around them when you're making a right turn. He would like the Board to consider the impact on traffic.
- Radnakar Venkati, 21 Adams St – He is in favor of this amendment. In 1970, this town had 17% more population than what it has today. Arlington has supported far more people, vehicles, and density than it has today, so we don't need to be concerned about traffic.

#### **Board Discussion:**

Mr. Revilak clarified that the requirements for corner lot visibility only apply in the residential districts, so this change will not affect those requirements. The Chair explained that the reason for that distinction is because of the narrower roads and sidewalks in the residential districts.

Mr. Revilak noted that in Section 5.3.16 of the bylaw, it says that during Environmental Design Review, the Redevelopment Board has the authority to make adjustments to yard setbacks. So this proposal codifies what the Board has been doing so that it's clearer to people.

Mr. Benson said that in many areas in Arlington, the older homes don't meet the current standards for setbacks. Even though the current residential setback requirement is 15 feet, many streets have mostly 10-foot setbacks. It doesn't make sense to requiring a new building on the corner of such a street and Mass Ave to implement the 15-foot setback required in the bylaw when most of the neighboring residential buildings don't have setbacks that large.

#### **ARTICLE G (tentatively scheduled, subject to change)**

##### **ZONING BYLAW AMENDMENT / HEIGHT AND STORY MINIMUMS IN BUSINESS DISTRICTS**

To see if the Town will vote to amend Section 5.5.2 DIMENSIONAL AND DENSITY REGULATIONS to add a requirement for a minimum height and number of stories in all Business Districts with exceptions; or take any action related thereto.

#### **Presentation of Article:**

Mr. Benson explained that the Board thinks it no longer makes sense to build one-story buildings on Mass Ave and Broadway, and this amendment requires new developments to have a minimum of two stories and 26 feet in height on those corridors. It does not apply to single-family residential buildings. The Board can waive or modify the requirement if it's not feasible; for example a new gas station would not be required to have two stories. Mr. Benson asked if the rest of the Board thought 26 feet was an appropriate height.

The Chair noted that Article I covers the some of the same issues.

Mr. Lau said that he thinks 26 feet is an appropriate height minimum.

The Chair said that 13 feet per floor is a standard that has been used in other sections of the bylaw, so 26 feet as a two-story minimum makes sense.

The Chair opened the floor to public comment.

- Elizabeth Carr-Jones, 1 Lehigh St – She noted that the Board has often talked about not wanting to restrict the flexibility of businesses and development opportunities in town. A business owner who wanted to open a greenhouse business would not be able to. She thinks this amendment would restrict some types of businesses that might want to open in Arlington.

- Carl Wagner, Edgehill Rd – The problem with these articles, and this one particularly, is that the business owners and business renters don't know that the Director of Planning and Community Development is doing this and the Board is forced to review it. This may be an okay proposal, but the Board is instituting a restriction on business owners, and the result will probably be that business properties will be sold and the town will lose more and more of its struggling businesses. The people of Arlington, the businesses and residents, deserve to have this discussed over a period of meetings, not in one rainy session, in a rush job before a Special Town Meeting. He asks the Board to push it to Spring Town Meeting and vote no comment.
- Aram Hollman, 12 Whittemore St, Town Meeting Member, Precinct 6 – Giving the Redevelopment Board this kind of discretion allows for the public perception that the Board can be swayed by developers and lawyers, but not ordinary residents. He urges the Board to vote no.

**Board Discussion:**

Mr. Benson addressed the issue of the restriction of flexibility. He says that the amendment allows the Board to waive or modify height and story requirements, so they would be able to allow a business like a greenhouse. He noted that zoning is always a balancing act between the question of the extent to which people can do what they want with their land and the extent to which we should have limits for the sake of the town and what we want the town to be. The Board has felt that having no height and story minimums in the business districts, allowing one-story buildings where there could have been more, was a mistake. This amendment is an opportunity to require new buildings to be at least two stories. This does not require current one-story buildings to be torn down or a second story to be built. They'll all be considered non-conforming and can continue to exist in their current state.

Mr. Revilak said that one of the motivations for this amendment is to encourage, as sites are redeveloped, higher value buildings that result in new growth and ideally would result in fewer overrides or smaller overrides. Minimum heights is something new for Arlington, but it is a small step in the right direction.

Mr. Lau echoes Mr. Revilak's comments.

**ARTICLE H (tentatively scheduled, subject to change)  
ZONING BYLAW AMENDMENT / ADMINISTRATIVE CORRECTION**

To see if the Town will vote to amend the Zoning Bylaw to make the following administrative correction: Amend Section 5.9.2.C.(4), Accessory Dwelling Units Administration, to correct a reference it makes to a re-lettered subsection of Section 8.1.3; or take any action related thereto.

**Presentation of Article:**

Mr. Benson said that this amendment is an administrative correction. Last year Town Meeting deleted a paragraph from Section 8.1.3, and it re-lettered the other paragraphs accordingly. Section 5.9.2.C.(4) refers to 8.1.3.E, but it now should refer to Section 8.1.3.D. This amendment will make that correction.

The Chair opened the floor to public comment. No one in attendance wished to speak.

**Board Discussion:**

The Board had no further comments.

**ARTICLE I (tentatively scheduled, subject to change)  
ZONING BYLAW AMENDMENT / RESIDENTIAL USES IN BUSINESS DISTRICTS**

To see if the Town will vote to amend the zoning bylaw to alter the use categories of a residential single family home, duplex, or two family home in any of the Business Districts; or take any action related thereto.

**Presentation of Article:**

Mr. Benson explained that in the current bylaw, single- and two-family homes are allowed to be built in the business districts by right. The Board thinks that it doesn't make sense to allow new small residential buildings in

the business districts. They would like the business districts to be for business, not for small one- and two-family homes. This amendment removes the right to build new one- and two-family homes in those districts. Existing homes in those districts do not need to be removed or altered.

Mr. Benson said the bylaws have a lot of tables for the business districts for heights, setbacks, and dimensions. He initially went through all of them and crossed out the words “single-family, two-family, and duplex.” But he then thought that those requirements should remain in the bylaw in order to apply to the existing one- and two-family homes, so he decided to change only the use tables. He thinks that the Board should discuss whether to leave the dimensional restrictions in for one- or two-family homes.

Mr. Lau and Mr. Revilak both said that they agree with Mr. Benson about leaving the wording about one- and two-family homes in the dimensional requirement tables.

The Chair opened the floor to public comment.

- Carl Wagner, Edgehill Rd – The public are not aware of what exactly this is. It sounds like it is not properly presented or researched. He is part-owner of a single-family home in the business district. The people of Arlington should know this amendment would prevent people from building a single- or two-family in the business district, but large developers would not be prevented from building mixed-use buildings. Changes like this may not be wrong, but the town is a democracy, and people deserve to have a debate and discussion about this, which is not being provided.
- Matt Miller, 42 Columbia Rd – He agrees with Mr. Wagner. There should be a reason for such a change in the regulation. There might be a good reason, but he hasn’t heard one. This could prevent potential future business owners from building a house. There are businesses that used to be private homes.
- Chris Loretto, Adams St – He would describe this article is ahistorical. Section 5.5.1 on Districts and Purposes is describing the zoning districts as they are, not how you would like them to be. So when it says the B1 district is predominantly one- or two-family houses that may be used as homes, offices, or a combination of the two, that’s because they were constructed as homes years ago. They sometimes change from one to the other. He doesn’t see a need to ban those homes and make them non-conforming. He would question how often new one- or two-family homes are built in the business districts. This would burden all the people who already own those homes. If there’s a business in one of those homes, that house could not be converted back to residential use by right. Single-family homes could not be converted to two-family homes by right. He asked if the Board notified all the property owners who own single- and two-family homes in the business districts about this change and the fact that their homes might become non-conforming. He also asked how many one- and two-family new homes have been constructed in the business districts in the past five years. He thinks that this article seems more driven by ideology than by history or by the way development is occurring in Arlington today.
- Aram Hollman, 12 Whittemore St, Town Meeting Member, Precinct 6 – He agrees with the previous commenters. He thinks this will incentivize owners of one- and two-family homes in the business districts, as their houses age, to build something much larger, which will be comparable to the ugly sardine can built between the high school and Stop and Shop which the Board approved. Those buildings that are now there were protected because the lots were relatively small. They cannot support the kind of sardine can model which the board has approved. There is no need for this article. People are perfectly capable of tearing these houses down and building larger edifices without the burden of being made non-conforming. He says that this article should not pass, and it should have considerably more public discussion and debate.

#### **Board Discussion:**

Mr. Benson clarified that Section 5.5.1 is Districts and Purposes. If the Board did not amend 5.5.1 to get rid of one- and two-family houses in that Section, they would be criticized for having left it as a purpose. This does not require or incentivize anyone to tear down a house. The small lots will still be unlikely to have mixed-use buildings built on them. All it does is say that we have enough one- and two-family houses, and we need more business properties. It will enable more growth in town to help with our tax base.

Mr. Revilak said that the Board wants to ensure that properties used as businesses continue to be used as businesses. As properties turn over and are redeveloped, they would like to encourage developments that are higher value and more tax-generating.

The Chair said that the place where a debate about whether or not to pass these articles is Town Meeting. Town Meeting is the body that votes and decides on these articles. That does not happen solely through the recommendation of the Redevelopment Board. There have been some pointed comments that these articles have been driven by the Director of the Department Planning and Community Development. These articles have been brought about through the discussion with the public and with the members of the Redevelopment Board in concert with the staff of DPCD. It has been a joint effort that supports Arlington's Master Plan and many of the other documents that Town Meeting has adopted through much public debate.

Mr. Revilak noted that many of these articles predate the current Director of DPCD.

#### **ARTICLE J (tentatively scheduled, subject to change)**

##### **ZONING BYLAW AMENDMENT / STREET TREES**

To see if the Town will vote to amend the zoning bylaw to require a street tree to be planted for every 25 feet of street frontage for all developments; or take any action related thereto.

##### **Presentation of Article:**

Mr. Benson said that a couple of years ago, Town Meeting adopted a zoning bylaw amendment requiring street trees in the business districts for redevelopment at least every 25 linear feet of lot frontage. This year, based on comments from Green Streets Arlington about the need for more street trees and tree canopy cover, particularly if MBTA Communities passes, this amendment proposes applying the current bylaw to residential districts as well as business districts. In addition, this amendment expands the bylaw to expand the authority to waive this requirement to the Zoning Board as well as the Redevelopment Board. For developments that are not in the jurisdiction of either Board, DPCD can make the decision. The criteria for the decision-making about when a tree is not required would not be changed; when there's no suitable location, the developer can make a payment to the Tree Fund instead.

Mr. Lau appreciated the addition of other options where it is not feasible to add more trees.

The Chair opened the floor to public comment.

- Elizabeth Carr-Jones, 1 Lehigh St – She would like to thank the Board for bringing this forward, because it's something that Green Streets Arlington put before DPCD, and they are glad to see this happen, especially with the MBTA Communities proposal.
- Kristin Anderson, 12 Upland Rd West – She is in full support of this amendment. Having trees, especially along Mass Ave, will make it far more walkable for people to get businesses and therefore encourage business use.
- Carl Wagner, Edgehill Rd – He thinks this amendment is laudable, but it should be pointed out that the proposed MBTA Communities overlay would get rid of all open space.

##### **Board Discussion:**

Mr. Benson clarified that the MBTA Communities draft proposal has a similar requirement. If the MBTA Communities proposal is passed, this amendment is needed, because the requirements in the MBTA Communities zone can't be stricter than the requirements of the underlying zoning. Adding this amendment will mesh the underlying zoning with the MBTA Communities overlay zoning, and together they will lead to more tree canopy over the decades.

Mr. Revilak said that he is usually concerned about adding requirements to new developments that weren't applicable to previous developments. In this case, he thinks that the long term benefits warrant adding this

requirement. As properties are redeveloped, including in residential neighborhoods, he hopes to see this help to build up the town's tree canopy over time.

The Chair closed the discussion of the Warrant Articles for Special Fall Town Meeting. On October 2, 2023, the Board will meet again to deliberate and vote on each of the articles heard this evening, as well as the MBTA Communities article. Anyone with additional comments may submit them in writing by sending them to any member of the Board or to Ms. Ricker before October 2.

The Chair moved to **Agenda Item 3 – Upcoming Meeting Schedule.**

The Chair said that the Board has discussed tentatively adding a meeting to the Board's schedule on Tuesday, October 10, 2023, in order to review and approve the Board's Report to Town Meeting, which needs to be prepared after the October 2 meeting.

Ms. Ricker said that the proposed October 10 meeting is out of the regular sequence of Board meetings, because Monday, October 9, is a holiday. She said that DPCD can be prepared for that meeting and be ready to present the Report to the Board for discussion. The Chair noted that the agenda and draft of the Report would need to be posted on Thursday, October 5.

The Chair asked for a motion to schedule a meeting of the Board on Tuesday, October 10, 2023. Mr. Lau so motioned, Mr. Benson seconded, and the Board voted and approved unanimously.

The Chair noted that the Board has a meeting scheduled on October 16, the night before Fall Town Meeting starts. Nothing is currently scheduled for that meeting's agenda. At the October 2 meeting, she would like to decide whether to cancel the October 16 meeting. A meeting is also tentatively scheduled for October 23. Town Meeting will also be held that evening, so the Board could meet at 7:00 pm before Town Meeting. The Board will decide later whether that meeting date is needed.

Mr. Revilak proposed an earlier start time for the October 2 meeting because they have a lot to discuss. Mr. Lau said that he would have a difficult time getting to the meeting at an earlier time, so the Board agreed to keep the regular 7:30 pm start time. The Chair said that she would work with the Director of DPCD to see if anything else needs to be on the agenda for that evening; they will make sure that the majority of the meeting will be devoted to deliberation and voting on the warrant articles.

The Chair said that a citizen zoning article also needs to be heard with prior public notice, and she is working with Town Counsel to determine whether that article can be heard on October 2, or if it will need to be heard at the October 10 meeting. If they cannot hear the article until after the report is written, the Board will present a preliminary Report to Town Meeting, and then later present an amended Report including the citizen article heard by the Board on October 16.

The Chair asked for a motion to adjourn. Mr. Lau so moved, and Mr. Revilak seconded. The board voted and approved unanimously.

Meeting **Adjourned** at 9:36 pm.