

Arlington Town Meeting Article 43 Amendment

I, Christopher Heigham, hereby propose the following amendment to the recommended vote of the Arlington Redevelopment Board under Article 43 of the Annual Town Meeting:

In section 5.9.2.B (1), fifth bullet, (iii) change “6 feet” to “10 feet” so the new entire bullet text reads:

An accessory dwelling unit may be located in (i) the same building as the principal dwelling unit or as an expansion to such building; (ii) a building that is attached to the principal dwelling unit; or (iii) an accessory building, which accessory building shall not constitute a principal or main building by the incorporation of the accessory dwelling unit, provided that if such accessory building is located within 10 feet of a lot line then such accessory dwelling unit shall be allowed only if the Board of Appeals, acting pursuant to Section 3.3, grants a special permit upon its finding that the creation of such accessory dwelling unit is not substantially more detrimental to the neighborhood than the use of such accessory building as a private garage or other allowed use.

Respectfully submitted,



Christopher Heigham, Precinct 11
April 27, 2021

Rationale:

A fundamental part of residential zoning is where a residence can be situated on a lot. Arlington’s current zoning law establishes minimum side and rear setbacks of 10 feet for residences and 6 feet for garages and other accessory buildings. Article 43’s accessory buildings provisions allow for the conversion of a garage that conforms to current zoning to a residence, thus allowing a residence with 6 feet setbacks.

This is not a purely theoretical point. The Department of Planning and Community Development estimates that there are around 200 garages that could be converted to residences “by right” under Article 43. Take a look around your neighborhood.

I filed this amendment because I strongly believe Town Meeting should have the choice to allow ADUs in main buildings and conforming additions without having to make the fundamental change of where residences can be placed on a lot.