

Why Town Meeting Should Oppose Article 30 Submitted by Chris Loreti, Precinct 7

Elimination of the Usable Open Space Requirement for One and Two-Family Homes

1. The Proposed Bylaw Change is Inconsistent with Arlington's Master Plan

Here is what the Land Use Section of the Master Plan has to say about the Zoning Bylaw's dimensional regulations for Residential Districts, including usable open space (emphasis added):

*Standards that affect intensity of use, such as maximum floor area ratio (FAR), lot coverage maximum percent, setbacks (front, side, rear), **open space ratios**, and minimum lot area/D.U., **seem reasonable and consistent with prevailing development patterns in the neighborhoods.***

2. A Majority the Zoning Board of Appeals, the Town Board Most Experienced with Zoning Issues for One and Two-Family Homes, Does not Support this Article

The proponent met with the ZBA to try to secure its endorsement of this article. It did not go well. Four of the five members were either opposed or unconvinced. Long-serving Local Building Inspector, Rick Vallarelli, who also serves as the ZBA Administrator, was also opposed. Here is what they had to say: <https://youtu.be/kWjopQnMWmA> (Or if you prefer to watch the full 35-40 minutes on this see: https://youtu.be/Ej9_gggH3kY?t=8582)

3. Passage of this Article will Allow Homeowners to Cover their Side and Rear Yards with Driveways and Parking—By Right

Since parking areas and driveways do not count as usable open space, the elimination of the usable open space requirement virtually eliminates any limit on the amount of space devoted to motor vehicles in side and rear yards. (The small amount of required landscaped open space can almost always be met in the front yard, where vehicles are not allowed, or smaller yard areas where vehicles cannot fit.) The back yard parking allowed by this change will be by right, that is with no review by any town board or the building inspector.

4. The Proponent's Comparisons and Examples are Unrealistic

The proponent makes much of the fact that some other towns don't regulate usable open space, but that is not the full story:

- Medford may not regulate usable open space for one and two-family districts, but unlike Arlington it does set an upper limit for the amount of parking.
- The minimum single-family lot size in Lexington and in one of Medford's single-family districts are much greater than in Arlington's R1 district leading to more open space.
- Cambridge also has no usable open space requirement for one-and two-family districts. But it does have a similar "private open space" requirement of 40% to 50% of the lot size, thus requiring far more lot space free of buildings and vehicles than would be the case if this article passes.

- The setbacks cited by the proponent ignore such widely used exceptions both for front yards on built up streets and rear yards on corner lots, where the required rear yard would be just 12 feet for a lot 60 feet deep.
- As noted at the ZBA meeting, the proponent's examples are unrealistic. Usable open space is primarily an issue for non-conforming lots (e.g., the vast majority of two-family lots) than the conforming 6000 square foot lot in his first example. And in his example of the non-conforming 5000 square foot lot, the garage is shown completely out of scale with the other dimensions.
- The suggestion by some article supporters that existing zoning prevents most additions is entirely inconsistent with reality. Additions on conforming and non-conforming lots are routinely approved by-right or with a special permit from the ZBA.

5. This Proposal is Far More Extreme than the 2019 ARB Proposal to Eliminate Usable Open Space for Multi-Family and Mixed-Use

In 2019, the ARB proposed to eliminate the usable open space requirement for multi-family and mixed use development, but not one-and two family homes. (It withdrew the article before it came before Town Meeting for a vote.) Recognizing the significance of that change, and the insufficiency of the existing landscaped open space requirement alone, the ARB also included a doubling of the amount of required landscaped open space in their proposed article. Article 30 has no such protection.

6. Supporters of Article 30 Are Overly Focused on the Stated Purpose Of Usable Open Space Rather than its Effects

Usable open space may be for the use of the occupants, but its benefits are far wider. In most cases, it is additional landscaped open space even if it could be entirely paved over for a patio (who does that?). Moreover, it does not have to be used as one of the examples in the definition, and in no way does it prevent plantings in native species, as one commenter to the ARB mistakenly thought.

In short, Town Meeting should follow the lead of the majority of town officials most familiar with the effects of the existing usable open space requirement for one and two-family homes, and reject Article 30.

This is not to say that the definition of usable open space couldn't be improved, nor that the Zoning Bylaw could use greater clarity on the applicability of usable open space for additions entirely within existing building footprints. But simply eliminating the existing usable open space requirement for one and two-family homes is not the way to achieve those ends.

Please join me in voting NO on Article 30.

Chris Loreti

Precinct 7

Former Member of the Arlington Redevelopment Board