

**NOTE: Corrected Version Dated April 25, 2005**



**Report of the Arlington Redevelopment Board  
to the  
2005 Annual Town Meeting  
April 25, 2005**

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Below the Board lists the warrant articles on which it is required to issue a recommendation. Each article is briefly explained and is followed by the Board's vote. The Board's vote was unanimous on each one of its recommendations. Town Meeting members should take particular note that the recommendation of the Redevelopment Board, not the original warrant article, is the motion that will be considered by the Town Meeting. A vote of "no action" means that the Town Meeting will be asked to vote that no action be taken on the proposed warrant article. Sometimes the recommended vote shown in this report differs slightly from the warrant article. This occurs when errors are discovered or testimony at the public hearing convinces the Board that a change should be made. In such cases, the changes must not differ from the original to the extent that the scope of the warrant article is changed. When there is question about the scope, the Town Moderator will make the judgment. Any change to an article is noted in the votes shown below.

The Arlington Redevelopment Board held a public hearing on March 14, 2005. The revisions to the language of that article shown below reflect the testimony received at the hearing.

In all illustrations of the amended bylaw sections below, underlined text indicates additions and ~~struck through~~ text indicates deletions.

**ARTICLE 5                    ZONING BYLAW, AMENDMENT / AFFORDABLE HOUSING**

This article was submitted by the Redevelopment Board. In 2001, Arlington Town Meeting adopted affordable housing provisions (Section 11.08) within its zoning bylaw that requires any multifamily residential development with six or more units to make 15% of those units affordable to low and moderate income households. Earlier this year, building permits were issued for development of 19 units without affordable housing. This was possible because the developer subdivided the property into ten small lots, each containing a 1 or 2 family house. It was then possible to develop the land without a special permit or Environmental Design Review, and without affordable housing.

The Board proposes to amend the inclusionary zoning provision of the Zoning Bylaw to preclude a project of this size from being developed without affordable housing in the future. The substance of the change is to require Environmental Design Review and affordable housing for one and two family houses where six or more units are proposed.

**VOTED:**

**That the Town vote to amend the Zoning Bylaw in Article 11, Section 11.06-Environmental Design Review, subsection b,1(b) immediately following “Six or more dwelling units on the premises, whether contained in one or more structures”, by adding the words, “or on one or more contiguous lots, constructed within a two year period”;**

**AND, in Article 5, Section 5.04 TABLE OF USE REGULATIONS, following use “1.01 Single-family detached dwelling”, add a new use “1.01a Six or more single-family dwellings on one or more contiguous lots”, and by inserting the letters “SP” under the columns headed R0, R1, R2, R3, R4, R5, R6, R7, B1, B2, B2A, B3, B4, B5, MU, PUD;**

**AND in Article 5, Section 5.04 TABLE OF USE REGULATIONS, following use “1.02 Two-family dwelling, duplex house”, add a new use “1.02a Six or more units in two-family or duplex houses on one or more contiguous lots”, and by inserting the letters “SP” under the columns headed R2, R3, R4, R5, R6, R7, B1, B2, B2A, B3, B4, B5, MU, PUD;**

**AND, in Article 5, Section 5.04 TABLE OF USE REGULATIONS, at the end of the table in footnote a, immediately after the words “(defined as uses” by inserting “1.01a, 1.02a,”;**

**AND, in Article 11, Section 11.08,c., DEFINITIONS, in the definition of “Residential” immediately after the words, “Use items”, by inserting “1.01a and 1.02a”.**

**AMENDED BYLAW SECTION**

Note: Yes - permitted as a right    SP - special permit    Blank - not permitted

**SECTION 5.04 - TABLE OF USE REGULATIONS**

Principal Use		R0	R1	R2	R3	R4	R5	R6	R7	District						MU	PUDI	T
ART 15, ATM 5/91; ART 4, STM 5/97; ART. 14, ATM 4/01; ART. 2, STM 9/04																		
ART. 16, ATM 4/01 <b>Residential<sup>a</sup></b>																		
ART'S. 81,87 ATM 4/80 1.01 Single-family detached <sup>b</sup> dwelling		Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes	Yes	
1.01a Six or more single-family dwellings on one or more contiguous lots		SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	
1.02 Two-family dwelling, duplex house				Yes	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes	Yes	
1.02a Six or more dwelling units in two-family or duplex houses on one or more contiguous lots		SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	
ART 41, STM 3/82; ART.97, ATM 3/87 1.03 Three-family dwelling					SP	SP	SP	SP	SP		SP	SP	SP	SP	SP		SP	
ART.2, STM 9/04 1.04 Town House structure					SP	SP	SP	SP	SP		SP	SP	SP		SP		SP	
ART.2, STM 9/04 1.05 Apartment House							SP	SP	SP			SP	SP	SP	SP		SP	

**ARTICLE 6 ZONING BYLAW, AMENDMENT / PARKING REQUIREMENTS SINGLE ROOM OCCUPANCY DEVELOPMENTS**

This article was submitted by the ARB and proposes to reduce the required parking for boarding or rooming houses that provide affordable housing. The current parking requirement for “lodging house, dormitory, ...and similar group quarters” is one space per sleeping unit/single room. The bylaw now allows reduction of parking spaces by 10% if the project has at least 15% affordable housing (Section 11.08,e), and by 20% with a special permit from the ZBA or ARB (Section 8.12,a,(10)).

At the 2004 Town Meeting, it was proposed to allow further reduction in parking at single room occupancy housing that is affordable and that the sponsor can prove is justified. It was intended that such a reduction would result in it becoming easier to develop affordable single room occupancy housing because many larger houses suitable for such use could not accommodate the full parking requirement. According to current owners of single room occupancy housing in Arlington (Caritas Communities and Salvation Army), between 25% and 50% of residents have cars, and usually no more than one employee is on site. At the current time, therefore, allowing a reduction of parking to 50% of that required may be justified.

We have suggested a change to the vote in order to make the bylaw more specific. The standard of a unit affordable to someone earning 60% of median income was determined to be appropriate to distinguish what might be “market rate” SRO’s from affordable ones.

**VOTED:**

That the Town vote to amend the Zoning Bylaw in Article 11, Section 11.08 by adding to section (e), a subparagraph 2. to read:

- “2. Notwithstanding the special permit requirement in Section 8.12(a)(10), in the case of a single room occupancy dwelling, dormitory, boarding house or lodging house, where more than 50% of the units are affordable ~~units to households earning no more than 60% of median income, according to Section 11.08(c), DEFINITIONS, “Affordable Units”~~, the number of parking spaces may be reduced to 50% of the requirement, by special permit, where it can be shown that the parking provided will be sufficient for both residents and employees.”

**AMENDED BYLAW SECTION****Section 11.08 - Affordable Housing Requirements**

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.  
e. INCENTIVE

1. Notwithstanding the special permit requirement in Section 8.12(a)(10), the applicant shall have the option to reduce the number of spaces required in the Table of Off-Street Parking Regulations by up to 10%.
2. Notwithstanding the special permit requirement in Section 8.12(a)(10), in the case of a single room occupancy dwelling, dormitory, boarding house or lodging house, where more than 50% of the units are affordable to households earning no more than 60% of median income, according to Section 11.08(c), DEFINITIONS, “Affordable Units”, the number of parking spaces may be reduced to 50% of the requirement, by special permit, where it can be shown that the parking provided will be sufficient for both residents and employees.

**ARTICLE 7****ZONING BYLAW, AMENDMENT / HOSPITAL ZONE**

This article was submitted by the ARB and proposes to correct references to the Hospital zoning district which was eliminated by the September 20, 2004 Special Town Meeting. Subsequent to the Special Town Meeting, two references to the Hospital District were found which had previously been overlooked. This amendment changes the references to refer to the newly created Multi Use District.

**VOTED:**

That the Town vote to amend the Zoning Bylaw in Article 5, Section 5.02 in the second paragraph, immediately after the words, “A lot or structure located in the R6, R7, B1, B2, B2A, B3, B4, B5, PUD, I,” by deleting “H” and inserting “MU” in place thereof;

And in Article 10, Section 10.05, immediately after the words, “No sign in any “B”,” by deleting “H” and inserting “MU” in place thereof;

**AMENDED BYLAW SECTION****Section 5.02 - Permitted Uses**

ART. 10, ATM 4/98; ART. 11, ATM 4/98

In the following Table of Use Regulations, the uses permitted by right in the district shall be designated by the word "yes," except that any use listed in the following Table of Use Regulations as a permitted use, the proposed location of which does not abut on a street which is laid out and approved by the Board of Survey as a traveled way, or which has not been built to subgrade, so that such way or street is passable for fire apparatus and other traffic, or which abuts on a street or way in which there is no public sewer or in which there is no water available for connection with the building after completion, may be allowed only by special permit. Those uses that may be permitted by special permit in the district, in accordance with Articles 10 and 11, shall be designated by the letters "SP." Uses designated with a blank shall not be permitted in the district.

A lot or structure located in the R6, R7, B1, B2, B2A, B3, B4, B5, PUD, I, H, MU, and T districts may contain more than one principal use as listed in Section 5.04 "Table of Use Regulation." For the purposes of interpretation of this Bylaw, the use containing the largest floor area shall be deemed the principal use and all other uses shall be classified as accessory uses. In the case of existing commercial uses, the addition or expansion of residential use within the existing building footprint shall not require adherence to setback regulations for residential uses even if the residential use becomes the principal use of the property.

And,

#### **Section 10.05 - Sign Permit Required**

ART.14, ATM 4/01

No sign in any "B," "H," "MU," "PUD," "T," "OS", or "I" District or sign requiring approval of the ZBA in any "R" District shall be erected on the exterior of any building or on any lot unless a sign permit signed by the Inspector of Buildings has been granted to the owner or occupant of such land or building.

#### **ARTICLE 8 ZONING BYLAW AMENDMENT/STORMWATER MANAGEMENT**

This article was submitted by the Arlington Redevelopment Board and proposes to amend the standards by which the ARB reviews a project in its special permit design review procedure. The existing standard requires that all stormwater be removed via an underground drainage system. The proposed change is an effort to remain consistent with new Federal and State regulations (National Pollutant Discharge Elimination System (NPDES) Phase II regulations and Mass DEP Stormwater Management Policy and Guidance Standards). The regulations recognize stormwater runoff as a significant source of contamination for our aquatic and marine systems, and municipalities are now required to develop plans which, in the long term, will diminish runoff volume and lessen contaminants, recharge groundwater storage, and improve the water quality of recipient water bodies. Arlington's DPW has put together such a plan. One element of the plan is to have stormwater treated in some manner on the development site, improving the quality of stormwater runoff, and diminishing the volume and rate of flow. To allow and encourage on-site treatment of stormwater runoff, it is desirable that the existing EDR Standard 11.06 (f) 5 be amended to accommodate it.

Numerous methodologies have been recognized as effective in accomplishing the goal of improved stormwater management; others are being developed; these are, or will be, recognized as Best Management Practices (BMP). The applicable State and Federal laws allow us to presume that proper use of BMP's will lead to improvements toward desired ends. Additional changes to Town laws will likely be considered in the future to further comply with Federal and State requirements.

**VOTED:**

That the Town amend the Zoning Bylaw, Article 11, Section 11.06 (f). Environmental Design Review Standards under standard 5, Surface Water Drainage in the second sentence by deleting the words, “Stormwater shall be removed from all roofs, canopies and paved areas” and inserting in place thereof the words, “Available Best Management Practices for the site should be employed, and include site planning to minimize impervious surface, and to reduce clearing and re-grading. Best Management Practices may include erosion control and stormwater treatment by means of swales, filters, plantings, roof gardens, native vegetation, and leaching catchbasins. Stormwater should be treated at least minimally on the development site; that which cannot be handled on site shall be removed from all roofs, canopies, paved and pooling areas”.

**AMENDED BYLAW SECTION**

## 11.06 f. ENVIRONMENTAL DESIGN REVIEW STANDARDS.

...

5. Surface Water Drainage. Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. ~~Stormwater shall be removed from all roofs, canopies and paved areas~~ Available Best Management Practices for the site should be employed, and include site planning to minimize impervious surface and reduce clearing and re-grading. Best Management Practices may include erosion control and stormwater treatment by means of swales, filters, plantings, roof gardens, native vegetation, and leaching catchbasins. Stormwater should be treated at least minimally on the development site; that which cannot be handled on site shall be removed from all roofs, canopies, paved and pooling areas and carried away in an underground drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic, and will not create puddles in the paved areas.

**ARTICLE 9 ZONING BYLAW AMENDMENT/71 SUMMER STREET**

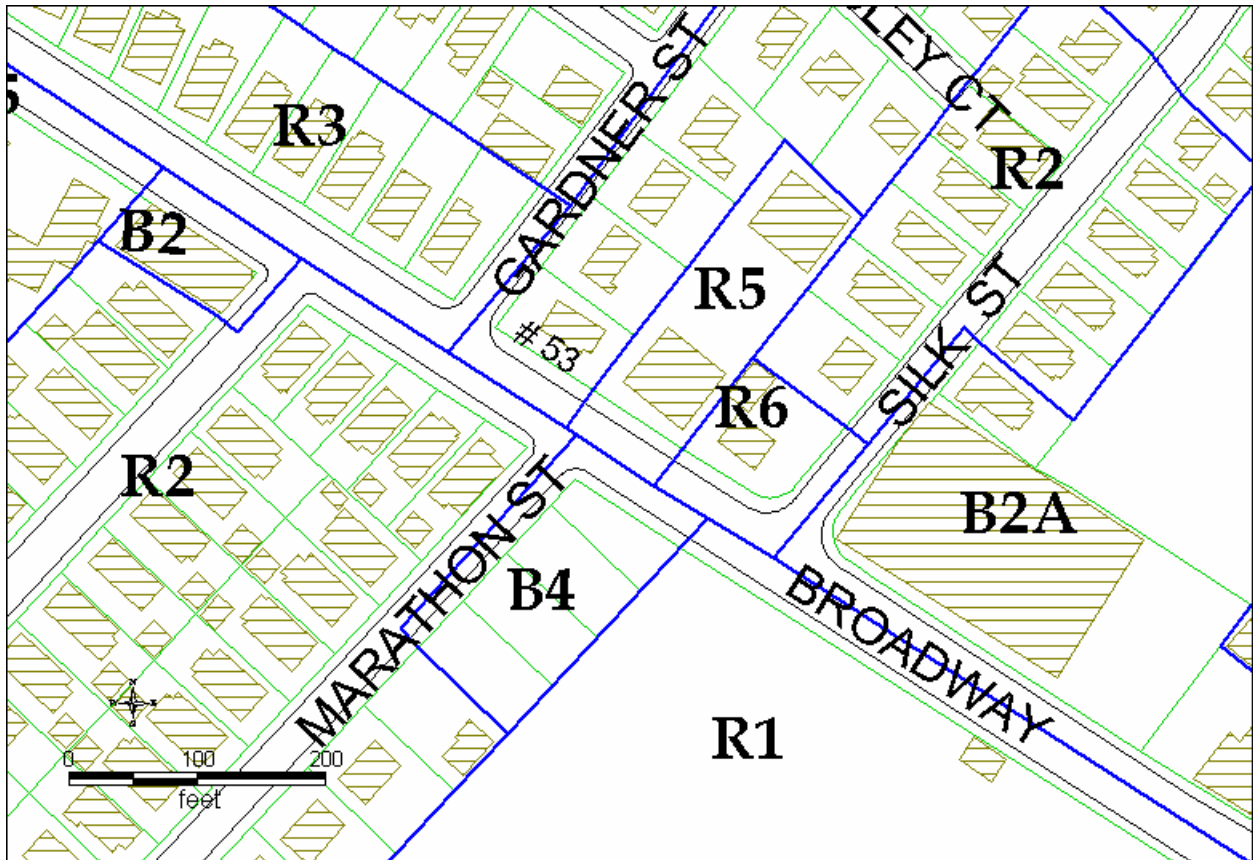
This article was submitted by ten registered voters and proposes to change the zoning on the property which up until recently was used as a used car sales and car rental business by the Mirak family. The zone change was requested in order to allow a slightly larger apartment building to be built on the site. The Miraks also requested a ruling from the ZBA which would accomplish the same result. Upon receipt of a favorable ruling from the ZBA, Robert Mirak wrote to the Board asking that no action be taken on the zoning article.

**VOTED:****No action.****ARTICLE 10 ZONING BYLAW AMENDMENT/53 BROADWAY**

This article was submitted by ten registered voters and proposes to change the zoning of the subject property from R1 to R3. The proponent desires to build a three-family home on the site. The property is currently a single family home and is in a neighborhood where many of the properties on Broadway are commercial or mixed use and the properties immediately behind the properties on Broadway are one and two family homes.

A number of neighbors expressed concern about the increased density and the number of vehicles that could be located on the property. The Board shares their concern and expressed concern over the difficulty of fitting the housing units and the required parking and open space on the lot.

**VOTED:**  
**No action.**



53 Broadway – Article 10, Change zoning from R1 to R3

#### **ARTICLE 11 ZONING BYLAW AMENDMENT / INCLUSIONARY ZONING**

This article was submitted by ten registered voters and proposes to permit the clustering of affordable units created by Section 11.08 of the Zoning Bylaw in cases where the proposed housing serves a specialized need. This was suggested previously in order to allow the original proposal made by Symmes Redevelopment Associates that included adult foster care housing in one building as most of its affordable component. At that time, changing the rules would have jeopardized the RFP process and the ARB felt it could not entertain such a change.

Outside of the consideration of the Symmes project, such a change could be considered, but as no one appeared at the public hearing to advocate for it and because it proposes to make some affordable housing different from the market rate housing, the Board voted not to support the change.

**VOTED:**  
**No action**





It is our understanding that the articles were conceived in order to remove the properties in Arlington devoted to religious, cemetery or municipal uses from the developable land inventory. In so doing, it was thought that the Town may get ever closer to the claim that 1.5 % of the Town's developable land is devoted to affordable housing and therefore the Town may refuse a comprehensive permit application (Chap. 40B). The analysis is flawed because more than half the lands identified are already not included in the developable land inventory (public cemeteries and municipal buildings are excluded). Also Article 16 submitted by the same proponent (discussed below) proposes to place the properties right back in the R1 district upon a cessation of such use which means they really are developable as soon as someone wants to develop them.

Under the direction of the Town Manager, the Planning Department carefully studied the 1.5% claim and have concluded that 466 acres of land (Over 20% of developable land) would have to be removed from the inventory in order to make a difference. On the other hand, adding 7 acres of affordable housing will achieve the goal. The State has issued specific guidelines for how the calculation should be made. Following the guidelines, the Town has 2,121 acres of developable land and 24.8 acres devoted to affordable housing making 1.17% of our developable land devoted to affordable housing.

**VOTED:**

**No action (all three).**

**ARTICLE 16**

**ZONING BYLAW AMENDMENT/ZONING DISTRICTS**

This article was submitted by ten registered voters and refers to the zoning districts that would be created by Articles 13, 14, and 15. The articles proposes, "... that all properties in the Rel, MUN, and Cem districts which, because of a change in owners or use, are no longer qualified for inclusion in those districts shall revert back to the zoning district in which they are presently classified".

In proposing that if the owner changes or the use ceases to exist, the property reverts back to the "zoning district in which they are presently classified". Essentially, this gives the owner of the property the right to rezone the property without the action of the Town Meeting.

**VOTED:**

**No action.**