



## ARLINGTON REDEVELOPMENT BOARD

TOWN HALL ARLINGTON, MASSACHUSETTS 02476

TELEPHONE 781-316-3090

### **Regulations for Environmental Design Review**

1. **Authority:** The following regulations are adopted by the Arlington Redevelopment Board under the authority of, and in compliance with, Massachusetts General Laws, Chapter 40A, Section 9, as amended.
2. **Effective Date:** These regulations shall become effective upon the filing thereof with the Town Clerk for the Town of Arlington.
3. **Effect of Regulations:** It is intended that Massachusetts General Laws and the Zoning Bylaws of the Town of Arlington shall govern in all respects regarding these regulations. If there is any conflict between these regulations and Massachusetts General Laws or the Arlington Zoning Bylaw, then the Massachusetts General Laws or the Arlington Zoning Bylaw, as the case may be, shall govern in all such cases.
4. **Filing of Applications :**
  - a. Forms for the filing of applications to this Board are available in the Office of the Department of Planning and Community Development, Town Hall, Arlington, Massachusetts.
  - b. In addition to the application form, each application for a special permit under Environmental Design Review shall include:
    1. Dimensional and Parking Information Sheet
    2. Site Plan (showing graphic scale and north arrow on each drawing) and elevation drawings (with graphic scale) of Proposal per Bylaw Section 10.11-c
    3. Model, when required, per Section 11.06-d.1 (to be submitted at the time of the public hearing)
    4. Drawing of existing conditions per Section 11.0-6-d.2
    5. Drawing of proposal per Section 11.06-d.3
      - a. Structure
      - b. Landscape (may be incorporated with No. 2)
    6. Photographs per Section 11.06-d.4
    7. Impact Statement per Sections 11.06-d.5 and 11.06-f
    8. Application and plans for sign permits per Sections 11.06-d.6 and 10.05.
    9. Stormwater Management Plan (for stormwater management during construction for projects entailing new construction)

The Board may waive in writing any of the above requirements that it deems unnecessary for a particular proposal. Any additional materials shall be received by the Department of

Planning and Community Development no later than the Wednesday prior to the scheduled meeting at which said materials are to be reviewed.

- c. Applicants shall submit eight copies of all items listed in (b) above , except for the model. Of the eight copies submitted, three copies of drawings of the site plan, existing conditions and landscape plan must be submitted at a minimum scale of 1" = 20'. Three copies of the drawings of structures must be at a minimum scale of 1/16" = 1'. The drawings included in the remaining five copies of the application shall be reduced to fit on 11" x 17" paper. The Board may alter the minimum scale of the drawings in cases where it deems it appropriate.

Upon receipt by the Board, one copy shall be initialed to indicate that the application is complete and the fee is correct. The initialed copy shall be filed by the applicant with the Town Clerk. The Arlington Redevelopment Board shall forward one copy to the Department of Planning and Community Development. The model, if required, shall be delivered to the Department of Planning and Community Development as instructed by the Department.

- d. Any applicant seeking to construct or install wireless communications equipment shall submit with the application a signed opinion from a qualified engineer or other appropriate professional stating that the proposed equipment meets the requirements of the Telecommunications Act of 1996 and of all state and federal regulations relating to potential health hazards from wireless telecommunications equipment.
- e. Any applicant seeking to construct or install wireless communications equipment shall submit with the application an itemized list of the equipment making up this facility and its estimated cost.

## 5. Fees:

- a. New Construction. The filing fee for any new construction proposed shall be \$.20 per square foot of such proposed construction.
- b. Minimum Fee. There shall be a minimum fee for any application in the amount of \$200.00.
- c. Payment. The filing fee must be submitted at the time of the filing of the application with the Town Clerk.
- d. Consultant Fees. The Board is authorized to require the applicant to pay for the reasonable costs and expenses borne by the Board for specific expert engineering and other consultant services deemed necessary by the Board to come to a final decision on the application. The Board may require the payment of these consultant fees at any time in its deliberation or after making a decision. Failure by the applicant to pay these consultant fees within twenty one business days of the request for payment shall be cause for the Board to deny the issuance of the permit or other requested action.

**6. Design Review Report:** At the time of filing with the Board, a copy of the application shall be submitted to the Department of Planning and Community Development. The Department of

Planning and Community Development shall then evaluate the application in accordance with the standards of Section 11.06(f) and the general conditions of Section 10.11(a) of the Zoning Bylaw. Based on the evaluation, the Department shall prepare written findings and recommendations and forward them to the Board as the Department's design review report as required by 11.06(e) of the Bylaw.

**7. Publication of Notice:** The Board shall fix a reasonable time for the hearing of the application and shall cause the time and place of such hearing together with all information required by law to be published in accordance with Chapter 40A, Section 11, of the Massachusetts General Laws.

**8. Mailing of Notice:** The Board shall send notice by mail, in accordance with Massachusetts General Laws, Chapter 40A, Section 11, to the applicant and to other parties in interest as they appear on the most recent Arlington tax list, and to the Inspector of Buildings, Town Engineer, Department of Public Works, and if applicable in the Board's discretion, the Conservation Commission, the Open Space Committee, Historic District Commission, and the Historical Commission.

**9. Meetings of the Board:** Meetings of the Board shall be held at the call of the Chairman and, in the absence or refusal of the Chairman, by the Vice-Chairman of the Board.

**10. Conduct of Hearings:** The Chairman or Vice-Chairman shall conduct the order of all hearings and shall have the right to limit any speaker before the Board to a period of ten minutes in time and to information relevant to the subject of the hearing. Minutes shall be kept of each hearing.

**11. Compliance with Laws:** The Board shall follow all applicable provisions as set forth by Chapters 39 and 40A, Massachusetts General Laws, and the Arlington Zoning Bylaw.

**12. Rendition of Decision:** The Board may issue, extend, modify, or renew a special permit after finding that all seven conditions of Section 10.11(a) and all standards in Section 11.06,f of the Arlington Zoning Bylaw are fulfilled. An affirmative vote of four out of five members of the Board shall be required to approve a special permit. When issuing a special permit, the Board may impose conditions, safeguards, and limitations of time or use on the permit. Deliberations of the Board regarding decisions on permits shall be recorded in writing. Decisions on permits and conditions thereon shall be recorded in writing and filed with the Town Clerk within fourteen (14) days of the decision. To be effective, a decision must be signed by all Board members in attendance and voting on the application.

The Board shall not decide on special permits until it receives the design review report from the Department of Planning and Community Development, or until thirty (30) days have elapsed from the application filing date, whichever occurs sooner. In any case, the failure of the Board to take final action on an application within ninety (90) days of the public hearing shall constitute approval of the permit applied for. Upon the Board's approval of an application, it shall mail to the applicant, property owner, parties in interest, and anyone else who leaves his or her name and address for that specific purpose at the public hearing, copies of the decision. Copies of the decision, sent to the applicant and to the owner shall be certified by the Board Secretary ex officio and shall comply with Section 11 of Chapter 40A.

**13. Filing with Registry:** No special permit shall take effect until a copy of the decision has been filed with the Middlesex County Registry of Deeds by the applicant in accordance with Section 11 of Chapter 40A. The fee for recording or registering shall be paid by the owner or applicant and evidence of the recording shall be provided to the Board.

**14. Reconsideration of Unfavorable Decision:** No application for a special permit before the Arlington Redevelopment Board with respect to a particular parcel of land or building thereon which has been unfavorably acted upon by that Board shall be considered on its merits within two (2) years of the final unfavorable action except with the consent of four out of five members of the Redevelopment Board in its capacity as the Planning Board for the Town of Arlington. In accordance with Section 16 of Chapter 40A, the Board shall consent to reconsideration only after it finds that there are specific and material changes in the conditions upon which the previous unfavorable action was based, and describes such changes in the record of its proceedings.

**15. Withdrawal of Application:** An applicant may withdraw his or her application without prejudice prior to the publication of the notice of a public hearing thereon, but thereafter it may be withdrawn without prejudice only with the approval of four members of the Board. Withdrawal will not entitle an applicant petitioner to a refund of the filing fees paid hereunder. An applicant who withdraws his or her application shall be entitled to file a new application upon compliance with the requirements herein, including the payment of fees in accordance with the fee schedule then in effect. If an application is withdrawn and then re-filed, the filing date which establishes the 65 day period in MGL Chapter 40A, Section 9, within which the public hearing must be commenced, shall be the latest filing date.

**16. Failure to Appear:** Should the applicant or his or her representatives unreasonably fail to appear at the scheduled hearing, then the Board shall consider his or her failure to appear as a withdrawal of his or her application. Such failure to appear will not entitle the petitioner to a refund of the filing fees paid hereunder. An applicant who fails to appear shall be entitled to file a new application upon compliance with the requirements herein, including the payment of fees in accordance with the fee schedule then in effect.

**17. Amendment of these Rules and Regulations:** The Board may, from time to time, amend the regulations promulgated herein including amendment of the schedule of filing fees, by filing a written copy with the said Town Clerk.

**18.** The Board may, by a majority vote of the members present and voting, waive any of these rules and regulations.

Adopted by:  
ARLINGTON REDEVELOPMENT BOARD  
July 12, 1976  
Amended - November 22, 1976  
Amended - May 20, 1985  
Amended - January 26, 1998  
Amended - February 14, 2005  
Amended – June 1, 2009