



Town of Arlington
Redevelopment Board
730 Massachusetts Avenue
Arlington, MA 02476

Agenda
&
Meeting Notice

The Arlington Redevelopment Board will meet Monday, March 27, 2017 at 7:30 PM in the **Town Hall, 730 Massachusetts Avenue, 2nd Floor Conference Room, Arlington, Massachusetts.**

Time	Agenda Item	How
7:30 – 7:45 p.m.	<p>1. Continued Public Hearing Special Town Meeting Article 1</p> <p>ZONING BYLAW AMENDMENT/DEFINITIONS</p> <p>To see if the Town will vote to amend the Zoning Bylaws to change the definition of "Open Space, Usable" by reducing the required horizontal dimension, to allow for incentives for surface parking at newly-constructed single, two-family, duplex or three-family dwellings; or take any action related thereto.</p> <p>(Inserted at the request of the Town Manager on behalf of the Residential Study Group)</p>	<ul style="list-style-type: none">• <i>Board members will deliberate and vote.</i>
7:45 – 8:00 p.m.	<p>2. Continued Public Hearing Special Town Meeting Article 2</p> <p>ZONING BYLAW AMENDMENT/RECREATIONAL MARIJUANA MORATORIUM</p> <p>To see if the Town will vote to amend the Town's Zoning Bylaws by adding a new section 11.10, TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS, which would provide as follows, and further to amend the Table of Contents to add Section 11.10, "Temporary Moratorium on Recreational Marijuana Establishments."... or take any action related thereto.</p> <p>(Inserted at the request of the Town Manager)</p>	<ul style="list-style-type: none">• <i>Board members will deliberate and vote.</i>

<p>8:00-8:30 p.m.</p>	<p>3. Review Draft Report to Town Meeting</p>	<ul style="list-style-type: none">• <i>Board members will review, discuss and provide feedback on a draft of the board's report to Town Meeting.</i>
<p>8:30-8:40 p.m.</p>	<p>4. Approval of Meeting Minutes from February 6, 2017 and March 6, 2017</p>	

STM ARTICLE 1

ZONING BYLAW AMENDMENT/DEFINITIONS

To see if the Town will vote to amend the Zoning Bylaw to change the definition of “Open Space, Usable” by reducing the required horizontal dimension, to allow for incentives for surface parking at newly-constructed single, two-family, duplex or three-family dwellings.

(Inserted at the request of the Town Manager and Residential Study Group)

VOTED: *That Article 2, Section 2.01 of the Zoning Bylaw, be and is hereby amended so that the last line of the definition of “Open Space, Usable,” reads as follows:*

Open Space, Usable:

The part or parts of a lot designed and developed for outdoor use by the occupants of the lot for recreation including swimming pools, tennis courts or similar facilities, for garden or for household service activities such as clothes drying; which space is at least 75 percent open to the sky, free of automotive traffic and parking, and readily accessible by all those for whom it is required.

Such space may include open area accessible to and developed for the use of the occupants of the building, and located upon a roof not more than 10 feet above the level of the lowest story used for dwelling purposes. Open space shall be deemed usable only if: (1) at least 75 percent of the area has a grade of less than eight (8) percent and (2) no horizontal dimension is less than 25 feet. For newly constructed single-, two-family, and duplex dwellings where parking is at the surface level, no horizontal dimension shall be less than 20 feet.

2017 Special Town Meeting Warrant, April 26, 2017

ARTICLE 2

ZONING BYLAW AMENDMENT/RECREATIONAL MARIJUANA MORATORIUM

To see if the Town will vote to amend the Town's Zoning Bylaws by adding a new section 11.10, TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS, which would provide as follows, and further to amend the Table of Contents to add Section 11.10, "Temporary Moratorium on Recreational Marijuana Establishments."

Section 11.10.1 Purpose

By vote at the State election on November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for recreational purposes (G.L. c. 94G, "Regulation of the Use and Distribution of Marijuana Not Medically Prescribed"). Effective December 15, 2016, the law allowed certain personal use and possession of marijuana, and further requires the Cannabis Control Commission to issue regulations regarding the licensing of commercial marijuana activities on or before March 15, 2018, and subsequently, to accept license applications for commercial operations beginning on April 1, 2018. Non-medical Marijuana Establishments as defined by G.L. c. 94 are not otherwise contemplated or addressed under the present Zoning Bylaw. The regulations to be promulgated by the Cannabis Control Commission may provide important guidance on aspects of local regulation of Recreational Marijuana Establishments, as well as details on how the Town may further restrict commercial sales of recreational marijuana by local ballot questions. Moreover, the regulation of recreational marijuana raises novel legal, planning and public safety issues, potentially necessitating time to study and consider study and consider the regulation of Recreational Marijuana Establishments and address such issues, as well as to address the potential impact of the aforementioned State regulations on local zoning; and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Recreational Marijuana Establishments. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Recreational Marijuana Establishments so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to adopt provisions of the Zoning Bylaw in a manner consistent with sound land use planning goals and objectives.

11.10.2 Definitions

"Recreational Marijuana Establishment" shall mean a non-medical "marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business."

11.10.3 Temporary Moratorium

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for Recreational Marijuana Establishments. The moratorium shall be in effect through June 30, 2018, or until such time as the Town adopts Zoning Bylaw amendments that regulate Recreational Marijuana Establishments, whichever occurs earlier. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments and related uses, and shall consider adopting new Zoning Bylaws in response to these new issues.

11.10.4 Severability

The provisions of this by-law are severable. If any provision, paragraph, sentence, or clause of this bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw.”

Or take any action related thereto.

(Inserted at the request of the Town Manager)