



Town of Arlington
ARLINGTON REDEVELOPMENT BOARD

Report to:
Annual Town Meeting, Monday, April 23, 2018
Special Town Meeting, Wednesday, May 2, 2018

Voted as amended on Monday, April 23, 2018

Andrew Bunnell, Chair, (Term through 1/31/2020)
Andrew West, Vice Chair, (Term through 6/30/2020)
Eugene Benson (Term through 1/31/2020)
Kin Lau (Term through 1/31/2019)
David Watson (Term through 9/22/2018)

Jennifer Raitt, Secretary Ex-Officio

Introduction to the ARB

The Arlington Redevelopment Board (ARB) has statutory authority over M.G.L. c. 40A as the Town's planning board (Section 2 of Section 17 of the Town Manager Act) and M.G.L. c. 41 section 81 as the Redevelopment Authority. The ARB was created by a Town Meeting-adopted home rule petition, followed by a State Legislature act to form the ARB in 1971. The Department of Planning and Community Development was created two years earlier. The authority and role of the ARB is included in Article 17 of the Town Manager Act. As a planning board, the ARB is charged with: developing Arlington's Master Plan; proposing bylaws, regulations, and rules to implement the Master Plan; and applying those bylaws, regulations, and rules. Lastly, the ARB serves as a special permit granting authority. The ARB is also a duly constituted redevelopment authority formed under the authority of M.G.L. c. 121B. As a redevelopment authority, the ARB can buy, sell and hold property and it is because of these powers that the ARB acts as landlord, responsible for many properties that the Town Meeting has seen fit to put under the Board's jurisdiction.

Recent ARB Activities

The ARB's most notable effort in the past year was a complete recodification of the zoning bylaw adopted by Special Town Meeting in February 2018. The ARB also proposed amendments to zoning adopted at Annual Town Meeting in 2017 to address neighborhood impacts surrounding the construction of new homes, including incentivizing surface level parking and improving landscape buffers and a Town Bylaw amendment to utilize a Residential Construction Control Agreement that addresses noise, dust, and other issues that can impact neighbors during construction projects.

In the year ahead, the ARB will be working to: advance long-range planning goals; manage and maintain its property assets (Central School at 20 Academy Street, 23 Maple Street, and Jefferson Cutter House/ Whittemore Park); propose zoning bylaw amendments; and support community planning goals. Highlights of that work include reviewing progress on implementation of the Master Plan, including meeting goals and objectives and updating the plan, as needed, and ensuring that community and economic development goals are achieved in Arlington's business districts. Future Town Meetings will review prospective zoning amendments that will propose to overhaul the town's Sign Bylaw and consolidate business zoning districts to meet economic development goals, as well as amendments to zoning to meet housing goals.

Special Town Meeting – Zoning Article Overview

When any warrant article that proposes to amend the "Town of Arlington Zoning Bylaw" is put to a vote before Town Meeting, the ARB is required to issue a report with recommendations to Town Meeting. Appearing below is the one (1) article that proposes an amendment to the Zoning Bylaw. The intent of the article is briefly explained, followed by the ARB's vote, which constitutes its recommendation to Town Meeting. The recommendations of the ARB, and not the original warrant articles, are the actual motions that will be considered by the Town Meeting. An ARB vote of "No Action" means that Town Meeting will be asked to vote that no action be taken on the proposed warrant article.

Warrant article language may be quite general or very specific. The vote, however, must be specific in order to precisely tell how the Zoning Bylaw will be modified. Even when the language in the warrant is specific, the vote or recommendation shown in this report may differ slightly from the warrant language. This occurs when errors are discovered, or testimony at the public hearing prompts a change from the original warrant article. In such cases, the recommended change cannot exceed the scope of the original warrant article. When there is question about the scope of the change, the Town Moderator will determine whether the change exceeds the scope of the original warrant article. Changes to the Zoning Bylaw text are shown beneath the recommended votes. Additions to the original Zoning Bylaw text appear as underlined text, while any deletions to the original Zoning Bylaw text appear as ~~strike through~~ text.

The ARB advertisement for Special Town Meeting (STM) appeared in the *Arlington Advocate* as required on April 5, 2018 and April 12, 2018. The Public Hearing was held on Monday, April 23, 2018. At this meeting, the ARB voted unanimously on the recommended bylaw language for STM as shown below. A draft of this report as amended was also unanimously approved at this meeting.

Special Town Meeting, Warrant Article 2

ARTICLE 2

**ZONING BYLAW AMENDMENT/
EXTENDING RECREATIONAL MARIJUANA MORATORIUM**

To see if the Town will vote to amend the Town’s Zoning Bylaws by updating and extending the temporary moratorium on recreational marijuana establishments (set forth in Section 8.3 of the Recodified Zoning Bylaw) from June 30, 2018 until December 31, 2018, to provide the Town sufficient time to fully assess its Cannabis Control Commission Regulations filed with the Secretary of State for the Commonwealth on March 9, 2018, and so to read as follows:

“Temporary Moratorium on Recreational Marijuana Establishments.”

Section 8.3.1 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. The Cannabis Control Commission adopted regulations on or about March 6, 2018; transmitted to the Secretary of State on March 9, 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 on commercial sales of recreational marijuana by local ballot questions, but were not finalized in sufficient advance of the Annual Town Meeting. 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 fully informed by the new Cannabis Control Commission regulations to consider amending the Zoning Bylaw regarding regulation of Recreational Marijuana Establishments. The Town intends to ~~adopt~~ continue its 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 now that the parameters of retail marijuana have been fully and finally defined by the Commission.

8.3.2 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~~ December 31~~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.

8.3.3 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 relative thereto.

(Inserted by the Board of Selectmen)

Discussion:

STM Warrant Article 2 is an amendment to a zoning moratorium provision adopted by Town Meeting in spring 2017, proposing to extend the moratorium now in place through June 30, 2018 to December 31, 2018. This extension date was chosen based upon the Town's consultation with the Attorney General's office and a review of similar moratoriums in Massachusetts. Moratoria are approved only for reasonable purposes and time up to December 31, 2018 in recognition of the timeline of the regulatory landscape throughout the Commonwealth.

The ARB requests this extension because final regulations of the Cannabis Control Commission were promulgated on March 9, 2018. The State regulatory process for adult-use recreational marijuana has taken longer than Arlington and many municipalities hoped largely due to the depth of debate at the State level, and ensuing revisions to draft regulations. The town did not have adequate time to analyze the regulations and to provide adequate notice for any zoning amendments in advance of this Town Meeting. Additionally, there is the prospect for further legislative changes which may modify the recently-promulgated regulations and potentially complicate the local regulatory process. Therefore, the ARB seeks an extension of the moratorium through the maximum allowable date set by the State.

This Article will allow additional time for the Town to consider the impacts of recreational marijuana facilities and develop local regulations in response. The Town adopted a similar one-year moratorium in 2013 after the State legalized medical marijuana and medical marijuana treatment centers and an existing one-year moratorium for recreational marijuana in 2017. A representative from the ARB will serve on the Zoning for Recreational Marijuana Facilities and Medical Marijuana Treatment Centers Study Group to review and make recommendations to zone for recreational marijuana facilities and possibly amend existing Arlington zoning for Medical Marijuana Treatment Centers in compliance with M.G.L. Chapter 40A and other state regulations. This group will be formulating and recommending uniform regulation and licensing requirements relative to recreational and medical marijuana, while protecting the public health, safety and welfare of the community. Zoning recommendations will be made to the Arlington Redevelopment Board with a goal of bringing zoning to a future 2018 Town Meeting.

ARB vote:

The Redevelopment Board voted 4-0 (Andrew Bunnell was not present) to recommend Article 2 to Town Meeting:

That the Zoning Bylaw be and hereby is amended by updating and extending the temporary moratorium on recreational marijuana establishments (set forth in Section 8.3 of the Recodified Zoning Bylaw) from June 30, 2018 until December 31, 2018, to provide the Town sufficient time to fully assess its Cannabis Control Commission Regulations filed with the Secretary of State for the Commonwealth on March 9, 2018.

-- End of Report --