



**2019 Annual Town Meeting Draft Zoning Bylaw Amendments**

**Public Hearing Draft**

**Articles 15, 16, 23, 24, & 25**

**March 21, 2019**

### **Introduction and Overview**

The Arlington Redevelopment Board (ARB) is the Town's Planning Board, under M.G.L. Chapter 41 § 81. There are five members of the Board. Four are appointed by the Town Manager and the fifth is a gubernatorial designee appointed by the Massachusetts Department of Housing and Community Development. The Board serves as the Town's special permit granting authority for projects which require an Environmental Design Review (EDR) as identified in the Zoning Bylaw. The ARB is also the Town's Urban Renewal Authority under M.G.L. Chapter 121; with Town Meeting approval, the Board may hold property to improve and rehabilitate them to meet community development goals.

The members of the ARB are as follows:

Andrew Bunnell, Chair, (Term through 1/31/2020)

Kin Lau, Vice Chair (Term through 1/31/2022)

Eugene Benson (Term through 1/31/2020)

David Watson (Term through 9/22/2023)

Jennifer Raitt, Director of the Department of Planning and Community Development, serves as Secretary Ex-Officio to the ARB.

In accordance with the provisions of the Town of Arlington, Massachusetts Zoning Bylaw and Massachusetts General Laws Chapter 40A, a public hearing will be held by the Arlington Redevelopment Board (ARB) on **Monday, March 4, 2019, Monday, March 11, 2019, Monday, March 18, 2019, and Monday, March 25, 2019, all beginning at 7:30 P.M.** in the **Central School, 27 Maple Street, Main Room, Arlington, Massachusetts**. The ARB will hear public comments on the proposed amendments to the Zoning Bylaw. After receiving public comments, the ARB will make recommendations on the proposed amendments for Annual Town Meeting, which will begin on Monday, April 22, 2019.

In addition, informal office hours will be held on Thursdays, March 14 and March 21, 5 PM-7 PM, in the Town Hall Annex First Floor Conference Room. Finally, the Department of Planning and Community Development (DPCD) will also hold neighborhood meetings scheduled for March 28 at Peirce School, April 3 at Thompson School, April 4 at Hardy School, and April 10 at Brackett School, all beginning at 7 PM.

**The draft language of the proposed amendments to the Zoning Bylaw was made available on Thursday, February 14, 2019. Since that date, some revisions have been made, which can be viewed herein in track changes.** Copies may be obtained in the Department of Planning and Community Development on the first floor of the Town Hall Annex, Monday through Wednesday, 8:00 a.m. to 4:00 p.m.; Thursday, 8:00 a.m. to 7:00 p.m.; and Friday, 8:00 a.m. to 12:00 p.m. or viewed and downloaded from the Redevelopment Board webpage of the Town's website at [www.arlingtonma.gov](http://www.arlingtonma.gov).

Contact Erin Zwirko, Assistant Director of Planning and Community Development, at 781-316-3091 or [ezwirko@town.arlington.ma.us](mailto:ezwirko@town.arlington.ma.us) with any questions or comments.

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**Zoning Bylaw Amendments for Accessory Dwelling Units**

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

**ARTICLE 15**

**ZONING BYLAW AMENDMENT/ACCESSORY DWELLING UNITS**

To see if the Town will vote to amend the Zoning Bylaw to allow accessory dwelling units in the R0 and R1 Zoning Districts by amending SECTION 2 DEFINITIONS to define accessory dwelling units; amending SECTION 5.4.3. USE REGULATIONS FOR RESIDENTIAL DISTRICTS to include the use in the table of uses; and creating a new section, SECTION 5.9.2. ACCESSORY DWELLING UNITS, containing standards for accessory dwelling units; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

**Amend SECTION 2 DEFINITIONS to add a definition for accessory dwelling unit:**

Accessory Dwelling Unit: An accessory dwelling unit is a wholly-contained dwelling unit located within a single-family dwelling existing within a single-family district at the time of the Building Permit. The accessory dwelling unit is subordinate in size to the principal dwelling unit, and physically separated from it, with its own kitchen, bathroom, and two means of egress, and held under common ownership with the primary dwelling unit.

**Amend SECTION 5.4.3. USE REGULATIONS FOR RESIDENTIAL DISTRICTS to include the use in the table of uses:**

Class of Use	R0	R1	R2	R3	R4	R5	R6	R7
Accessory Uses								
Accessory dwelling unit	<u>SP</u>	<u>SP</u>						

**Create a new section, SECTION 5.9.2. ACCESSORY DWELLING UNITS, containing standards for accessory dwelling units:**

**5.9.2 Accessory Dwelling Units**

- A. The Zoning Board of Appeals may grant a special permit for an accessory dwelling unit in a single-family dwelling in the R0 or R1 districts, provided that all of the following conditions are met:
  - (1) The lot area shall be at least the minimum required under Section 5 of the Zoning Bylaw;
  - (2) The gross floor area of an accessory dwelling unit cannot exceed 33% of the gross floor area of a single-family dwelling as defined in Section 2. In no case shall the gross floor area of the accessory dwelling unit exceed 750 square feet;
  - (3) The accessory dwelling unit must be contained within the gross floor area of the dwelling existing at the time of the permit application, except for the addition of a second means of egress or other modification to meet the State Building Code;
  - (4) The owner(s) of the structure in which the accessory dwelling unit is located must occupy one of the dwelling units as their primary residence, except for temporary absences of no more than 3 months in any 60-month period;
  - (5) No additional off-street parking spaces are required;
  - (6) The dwelling shall continue to be treated as a single-family dwelling in an R0 or R1 districts; and
  - (7) The minimum occupancy or rental term shall be 90 days.

**Zoning Bylaw Amendments for Accessory Dwelling Units**

**Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.**

**B. The following procedures apply to accessory dwelling unit:**

- (1) No accessory dwelling unit shall be constructed or altered without issuance of a special permit from the Zoning Board of Appeals;
- (2) No accessory dwelling unit shall be occupied prior to issuance of a Certificate of Occupancy by the Building Inspector;
- (3) Prior to the issuance of a Certificate of Occupancy, the owner shall submit to the Building Inspector a notarized affidavit signed under pains and penalties of perjury stating that the owner currently occupies one of the dwelling units on the premises as the owner's primary residence; and
- (4) When a dwelling containing an accessory dwelling unit previously permitted under this Section is sold or otherwise conveyed, the special permit for that accessory dwelling unit shall remain in force only if all requirements of this section continue to be met and the new property owner submits to the Building Inspector a notarized affidavit, signed under the pains and penalties of perjury, stating that the new owner intends to occupy one of the units in the structure as their primary residence, and will continue to do so, except for temporary absences of up to 3 months in any 60-month period.

**Zoning Bylaw Amendments for Affordable Housing Requirements**  
**Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.**

**ARTICLE 16**

**ZONING BYLAW AMENDMENT/  
AFFORDABLE HOUSING REQUIREMENTS**

To see if the town will vote to amend the Zoning Bylaw by increasing the affordability requirements contained in Section 8.2 AFFORDABILITY REQUIREMENTS, (such that a greater number of units of affordable would be required for certain projects); or take any action related thereto.

(Steve Revilak and 10 Registered Voters)

**Amend Section 8.2.3(A) to increase the affordability requirements:**

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- A. ~~In any development subject to this Section 8.2, 15% of the dwelling units shall be affordable units as defined in Section 2 of this Bylaw.~~ In any development subject to this Section 8.2, a percentage of the dwelling units shall be affordable units as defined in Section 2 of this Bylaw, where the percentage is given by the following table:

<u>Total Number of Units</u>	<u>Required Affordable Units</u>
<u>0 to 5 units</u>	<u>No affordability requirement</u>
<u>6 to 19 units</u>	<u>15% affordable units</u>
<u>20 units or more</u>	<u>20% affordable units</u>

For purposes of this Section 8.2., each room for renter occupancy in a single-room occupancy building shall be deemed a dwelling unit. In determining the total number of affordable units required, calculation of a fractional unit of 0.5 or more shall be rounded up to the next whole number.

**Zoning Bylaw Amendments to Support the Publication of Supporting Documentation - ZBA Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.**

**ARTICLE 23**

**ZONING BYLAW AMENDMENT/PUBLICATION  
OF SUPPORTING DOCUMENTATION – ZONING BOARD OF APPEALS**

To see if the Town will vote to require the Zoning Board of Appeals to publish, on the town website, supporting documentation pertaining to items on its agenda; or take any action related thereto.

(Paul Schlichtman and 10 Registered Voters)

Since the filing of this article, the Zoning Board of Appeals will begin using Novus Agenda to post meeting materials. Novus Agenda is the same system that the Select Board, School Committee, and ARB use to post materials in advance of hearings. As such, the petitioner stated that there may not be a need to take action on this article.

DRAFT

**Zoning Bylaw Amendments to the Driveway Slope**

**Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.**

**ARTICLE 24**

**ZONING BYLAW AMENDMENT/  
DEFINITION OF STORY, HALF**

To see if the Town will vote to amend the Zoning Bylaw to amend the definition of Story, Half by amending SECTION 2 DEFINITIONS to reduce the defined height of a half story from 7 feet 3 inches to 7 feet so that the definition reads “Story, Half: A story which is under a gable, hipped, or gambrel roof, where less than one half the floor area measured from the underside of the roof framing to the finished floor below has a clear height of 7 feet or more.”

(Inserted at the request of Elizabeth Pyle and 10 registered voters)

**Amend Section 2 for definition of Story, Half as follows:**

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Story, Half: A story which is under a gable, hipped, or gambrel roof, where less than one half the floor area measured from the underside of the roof framing to the finished floor below has a clear height of 7 feet ~~3 inches~~ or more.

DRAFT



**Zoning Bylaw Amendments to the Driveway Slope**

**Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.**

**ARTICLE 25**

**ZONING BYLAW AMENDMENT/  
DRIVEWAY SLOPE**

To see if the Town will vote to amend the Zoning Bylaw to amend the maximum allowable driveway slope by amending SECTION 6.1.10.A. LOCATION OF PARKING SPACES to require that the maximum allowable driveway slope cannot exceed 15% for the entire length of said driveway so that the provision reads “Any driveway leading to off-street parking on a lot shall not exceed a 15% downward slope for the entire length of said driveway, except by Special Permit.”

(Inserted at the request of Elizabeth Pyle and 10 registered voters)

**Amend Section 6.1.10(A) as follows:**

- A. Parking in Residential Districts. For single-family, two-family, duplex, and three-family dwellings, off-street parking shall not be permitted in the area between the front lot line and the minimum front setback except on a driveway not exceeding 20 feet in width leading to the required parking space(s). Off-street parking is permitted in (1) the side yard and rear yard on a paved driveway, or in the case of a corner lot of less than 6,000 square feet in the longer of the two front yards, up to a maximum of 24 feet in width, or (2) in an attached or detached garage, or (3) within the foundation of a dwelling provided the garaging is specifically designed for that purpose. ~~Any driveway leading to off-street parking on a lot cannot exceed a 15% downward slope, as measured from the farthest point from the front property line, except by Special Permit.~~ Any driveway leading to off-street parking on a lot shall not exceed a 15% downward slope for the entire length of said driveway, except by Special Permit. A space designed for parking within an existing garage is determined to meet the requirements of an off-street parking space. Side yards used for parking shall have a vegetated buffer when abutting a lot used for residential purposes, to minimize visual impacts.