



Zoning Bylaw Working Group

Date: November 10, 2021
Time: 10:00 AM to 11:00 AM
Location: Conducted via remote participation

Attendees: Christian Klein, Pam Heidell, John Worden, Ralph Willmer, Gene Benson, Charles Kalauskas
Absent: Steve Revilak
Staff: Jennifer Raitt, Kelly Lynema
Visitors: Don Seltzer, Carl Wagner

Minutes

1. Zoning Audit, Zoning Bylaw Review, and Recommendations

Jenny Raitt began with a note of appreciation for the comments from the Working Group members in advance of the meeting. The aggregated comments were posted to the calendar page for the meeting and shared back to Working Group members. She explained that the goal of the meeting was to talk through issues identified in the zoning audits completed for the 2015 Master Plan and subsequent recodification of the Zoning Bylaw to note any outstanding issues worth pursuing at a future Town Meeting.

Working group members had been sent a staff memo identifying the top outstanding issues identified in the audits but which have not yet been addressed. Jenny noted that one of the overlapping areas between the zoning audits and the goals identified by the Redevelopment Board (ARB) was with the business districts. Steve Revilak's memo outlined a way forward in addressing business district issues.

Kelly Lynema shared the matrix of Working Group members' responses to the assignment, and Jenny noted that the group would review line by line each item from the memo. At the ARB's November 15 meeting, Jenny will share details from the Working Group's conversation as part of the ARB's discussion of potential zoning amendments. This exercise will help understand the priorities of the Working Group.

Item 1: Reduce overall number of zoning districts

Christian Klein commented that Arlington's overall number of districts and how they are seemingly randomly distributed is a challenge. He added that he would like to see an overhaul of the zoning map.

Gene Benson shared that the ARB has tried to identify a more coherent map for the business districts. He now thinks the Town may need to do this for residential districts as well, perhaps as a second phase to a map revision.

John Worden said that back in 1975, the zoning districts and map were developed around the current land use at that time. Prior to 1975, the Town's business districts were several hundred feet deep and allowed apartment buildings. He agreed that the districts probably should be changed, but that what is right for the Town should be carefully considered.

Item 2: Reduce the number of uses requiring special permits:

John felt that maintaining the need for special permits among many uses is important, as it is sometimes the only opportunity neighbors have for influencing the design or use of an adjacent property.

Gene added that his opinion is somewhere between John's position and those who stated that the number of uses requiring special permits should be reduced. He felt a reduction might make sense in some places, so long as there are design standards that must be met. He was not sure that a reduction is required for commercial development.

Christian said that the ZBA typically attaches specific conditions to approvals for a lot of typical special permit cases that come before the board. He would like to consider a review of those types of special permits and see if the Zoning Bylaw could be amended to incorporate those standard specific conditions as a way of reducing the number requiring a special permit.

Pam asked whether special permits are a deterrent to business, and whether there are certain types of uses where that comes up more than others. Staff will do some research on this to understand where special permits are a barrier and why.

Ralph agreed with the idea of researching the matter further, noting that it wasn't investigated during recodification. He wants to understand where the issues really lie and where they can be improved.

Carl Wagner was invited to speak as a visitor to the meeting. He commented that special permits are important and need further study before a reduction is proposed.

Item 3: Amend the Special Permit for Large Additions

Christian shared that there are some who don't like the current practice around how the special permit for large addition works, and that the Working Group needs to discuss how it is interpreted related to current conditions. Jenny asked John for clarification of when this was added to the Zoning Bylaw, which John

noted was in the 80s. Christian shared that the ZBA has a specific task to review large additions.

Pam added that it would be helpful if the Inspectional Services Department looked at this. When she was on the ZBA, there was a difference of opinion on how 750sf could be interpreted. After further discussion, the Working Group agreed that researching this topic would be an appropriate ZBA, ISD, and DPCD project in advance of a future meeting.

Don Seltzer was invited to speak as a visitor. He noted that along with clarification of addition, the bylaw refers to large alterations. He feels the Zoning Bylaw is ambiguous as to what that means and that it should be addressed at the same time. He also noted that teardowns don't require a special permit.

Item 4: Address parking issues throughout the bylaw:

Charlie Kalaskas stated that one question he had regarding parking with business owners (e.g., contractors) who park large vehicles. The recommendation proposed to the ARB was to limit parking to one space per dwelling unit, but if a person is making a living using a business vehicle, they wouldn't be allowed to park without a permit. He recommended that residents who operate business vehicles and their need for parking be considered as any potential parking amendments.

Ralph commented that outside of the Zoning Bylaw there are management issues regarding parking, especially in East Arlington. He noted that as the Working Group discusses parking, members should remember that zoning amendments would dovetail with management and/or policy changes.

Gene commented that the Town won't see people getting out of their cars in the next few years. He felt that parking issues raised in the audit have since been addressed. The ARB is now able to limit commercial parking requirements. He is not convinced that parking maximums are a good idea because it would limit developers' ability to be responsive to the market and the size of lots available for development.

He added that the citizen petition that has been brought to the ARB is to reduce the required number of parking spaces to one space per unit, consistent with the existing requirements for single- and two-family homes.

Regarding residential parking, Gene noted that the group may want to reconsider regulations regarding parking in front setbacks to reflect where residents are actually parking vs. what is permitted in the Zoning Bylaw. John noted issues of enforcement regarding parking on sloped driveways. Mike Ciampa shared that ISD has not seen many requests for building permits for garage-under typology parking since 2017 or 2018, noting that builders adapt to regulations.

Christian added that the ZBA sees many questions regarding Section 6.1.10.A, such as the definition of a parking space, whether a driveway is considered a parking space, etc.

Jenny noted that there seemed to be a lack of agreement on how the Working Group wanted to address item 4. She added that the group may want to look to the recommendations of Connect Arlington (the sustainable transportation plan) to see how parking is discussed in that plan. Kelly added that it seemed that holding separate discussions regarding parking in commercial and residential zoning districts may be beneficial for future meetings.

Item 5: Amend EDR

Mike asked what this would apply to. Jenny noted that the ARB sees roughly eight EDR special permit requests a year, including signs, and that there may not really be a need for addressing this further.

Item 6: Amend standards for townhouses:

Gene stated that the current standards create disincentives for townhouses to get built. He feels that encouraging more townhouses is a way to create missing middle housing, as they cost less per unit and are sold at lower prices than single-family homes. He recommended taking a serious look at what are realistic standards in terms of lot size, setbacks, FAR, etc. so that they can stand on the same ground as single-family and two-family homes. It was clarified that according to the Zoning Bylaw, townhouses are defined as three or more single-family attached units separated by firewalls, with at-grade access. The zoning audit suggested putting a limit on how many in a row we want to have.

Jenny noted that the locations in town where townhouses are allowed are extremely limited. If increasing the number of townhouses was desired, they would have to be allowed as a use in other districts.

Item 7: Add regulations for solar:

Gene shared that he had been talking with the Clean Energy Future Committee (CEFC) about three ideas:

- 1) Adding requirements to address climate in Environmental Design Review in accordance with the recommendations of the Net Zero Action Plan;
- 2) Requiring solar on some new commercial buildings; and
- 3) Limiting the ability to cast shade onto existing solar.

He noted that he created a document (included in the PDF sent to the Working Group) to address the above by adapting an ordinance from Watertown. He added that the CEFC is not pursuing this because they decided to pursue one non-zoning warrant article for 2022 ATM, however they might support something coming from the ARB or the Working Group.

John commented that he had shared the same regarding the height of new buildings blocking existing solar panels.

Item 8: Add regulations for short-term rentals:

Christian asked whether the Town had a sense as to whether short-term rental regulations were being followed. Jenny noted that the Town is collecting a marginal amount of money as a result of the policy. There does not appear to be a large demand for short-term rentals in Arlington. Mike added that ISD had not heard any concerns or issues regarding short-term rentals.

Item 9: Transfer of development rights:

Members of the working group noted that this is an ambitious idea, but that further study and analysis would need to be completed to determine if it would be an effective amendment to the Zoning Bylaw.

Members of the Working Group agreed to discuss items from the "Other" category as submitted in advance at the Working Group's December meeting. Members agreed that there seemed to be the most energy and interest from the Working Group regarding reducing the number of zoning districts.

Pam added that she will assemble other examples of resilience review and regulations regarding climate adaptation in flood zones in advance of the December meeting.

2. Review minutes from October 6, 2021

On the review of the minutes, John corrected a minor linguistic issue, and made a motion to approve as amended, which was seconded by several Working Group members. All voted to approve as amended.

3. Next meeting date

Kelly reminded the Working Group that the next meeting is scheduled for Wednesday, December 1. John asked if there was interest in moving the meeting time to 10:00am. Kelly agreed to email the Working Group to determine availability.

Attachment:

2021 Meeting Dates: December 1