

MBTA Communities Working Group

July 18, 2023

Meeting Summary

Attending: Vince Baudoin (remote), Rebecca Gruber, Shaina Korman-Houston (remote), Kin Lau, Sanjay Newton (remote), Stephen Revilak (remote)

Staff: David Morgan, Marisa Lau, Teresa Marzilli (remote), Claire Ricker

Guests: Matthew Littell (Utile), Rahi Patel (Utile)

Approval of Meeting Summaries

The working group approved the meeting summary from their July 11, 2023, meeting, 6-0.

The working group approved the report for the June 8th public forum, 5-0-1 (Mr. Lau abstained).

Update on Plans for July 25th Public Forum

Ms. Ricker had intended to use the July 25th public forum to talk about what types of bonuses we are considering. So far, Arlington's approach to compliance has been similar to what other communities have done. The group will have a joint meeting with the ARB on Monday, which will be a working session. Tuesday night, we'll host a public forum at Town Hall, and the ARB will attend. Staff is starting to develop a presentation for that evening. Ms. Ricker thinks the process has been a little messy at times, but we've ended up in a decent place. She notes that Utile is using the state's model for compliance. We still have to determine who will present the map that evening, and we'll want to show how it was shaped by public input.

Ms. Ricker suggests having people who wish to speak put their names in a hat, and we'll select speakers by drawing them. We'll go until the hat is empty, or 11:00 pm, whichever comes first. Overall, the forum will be structured like town meeting. Ms. Ricker will be there to answer questions, as will (Town Counsel) Doug Heim, and (Environmental Planner) David Morgan. The speaking time will depend on how many people wish to speak. If fewer people put their names in the hat, the speaking times will be longer; if lots of people put their names in the hat, the speaking times will be shorter. We'll try to get to everyone.

After the forum, the working group will continue to accept feedback by email until July 31st. The email address, mbtacomunities@town.arlington.ma.us, is listed on the working group's page on the town website. We're doing this out of consideration for residents who'd like to provide feedback but aren't able to attend the forum in person.

Ms. Ricker tells the group that the state is providing communities with an opportunity to have their proposals reviewed. The Executive Office of Housing and Liveable Communities (EOHLC, formerly DHCD) will give us an expedited 30-day review. This will affect the timeline, and ARB hearings would

be more likely to start around September 11. EOHLIC wants to make sure there aren't provisions that amount to the equivalent of a special permit.

Ms. Ricker would like to see town meeting finished before the override vote. The Attorney General normally has 90 days to review zoning changes, but she hopes that having an expedited review from EOHLIC will help the Attorney General's office review our bylaw in time for us to proceed with the fossil fuel ban.

Ms. Gruber recalls that the group talked about producing a final report. Mr. Newton would like a final report to document the group's thinking, particularly in regard to what is and isn't in the districts. He'd also like to provide the ARB with some documentation of the process. Members of the working group express general approval for the idea of preparing a final report.

Update on Outreach

Ms. Ricker says that she, Mr. Newton, Mr. Revilak, and Mr. Morgan met with several members of the Open Space Committee (OSC). The OSC would like to see front setbacks that are large enough to accommodate street trees, but that leaves us with the question of how to deal with things we don't necessarily want in setbacks. The group discussed a 20' (20 foot) front-yard setback for buildings that were purely residential, and 0' for buildings that had commercial on the ground floor. She thinks that would work for the rhythm of Mass Ave.

Mr. Lau says he's okay with a 10' front setback for residential-only, but he'd want 0' where there's ground-floor commercial. He'd like to see tree plantings in place of curbside parking – bump out a parking space or two and plant a tree there. Mr. Lau doesn't want to sacrifice building area for trees, because many of the lots on Mass Ave and Broadway are very shallow.

Ms. Korman-Houston asks what the OSC said regarding the use of the front setback. Were they interested in trees, public space, or something else? Mr. Morgan says that the OSC and a group called Green Streets Arlington finalized a memo this morning. They have six concerns. They'd like a 20' landscaped area in the front setback, but are okay with reduced setback where there's ground floor commercial. Mr. Morgan says they're emphasizing landscaped elements, street trees, plantings, shrubs, and green spaces. Ms. Gruber recalls that we previously agreed on 10' front setbacks for the neighborhood districts, and that changing the setbacks will change our district capacity.

Mr. Lau strongly disagrees with the memo from the OSC and Green Streets Arlington. He says we're planning to have 4 stories of residential by right on Mass Ave, with a two-story bonus for ground-floor commercial. On side streets, we discussed four stories and a 10' front yard setback. The existing residential districts are mostly three stories. That gives us six stories, stepping down to four, stepping down to three. He's okay with a 10' setback for buildings that are all-residential, and 0' where there's commercial on the ground floor.

The discussion about setbacks continues.

Mr. Littell asks about the town's existing street tree requirements. Mr. Lau says there are street tree planting requirements, but only in the business and industrial districts. Street trees currently have to be

planted in the sidewalk. Mr. Lau prefers to have street trees planted in the parking lane, in order to have wider sidewalks. Ms. Ricker says that now is the time to deal with the streetscape, which includes trees and parking. She feels a “yes, and” approach would be appropriate. Mr. Lau says he’d feel differently if the parcels on Mass Ave were deep, but they’re very shallow. Mr. Newton asks about reducing the rear-yard setback, in order to have a larger one in the front. Mr. Lau says this would move the whole building back, and tighten up the space to the building behind it.

Review of Maps, Planning Documents, and Potential Bonuses

Ms. Korman-Houston asks if there were discussions about bonuses for providing additional affordable housing. She thinks we have a great opportunity to do this. She also feels that the production of more affordable housing was an unspoken goal of the legislation. Ms. Korman-Houston suggests allowing a one-story height bonus, if the developer provides more affordable housing than our inclusionary zoning requires. This would be a density bonus, rather than a requirement for extra affordable housing. She says we can discuss whether bonuses can be stacked.

Ms. Gruber notes that we previously discussed a maximum height of six stories. Mr. Revilak agrees, but at that point in time, we only had one kind of bonus: two stories for ground floor commercial. Now, we’re potentially looking at a two-story bonus for commercial, a one-story bonus for providing public open space, and a one-story bonus for providing additional affordable housing. Adding these together gets us to eight stories. He feels we have to have a policy for stacking, if we’re going to provide different types of bonuses. Mr. Lau says he’d like to do the math, and see what’s economically feasible. He’d prefer more commercial, and he’s concerned about having one bonus to provide commercial and another to provide affordable housing. He thinks this needs additional study. Ms. Marzilli suggests the group follow the priorities they’ve heard during the community engagement process.

Ms. Korman-Houston points out that a two-floor bonus for commercial and a one-floor bonus for additional affordable housing really amount to the same thing – it’s an extra floor of housing. With two ways to get an extra floor of housing, developers can choose what they’d prefer to do. Developers won’t do ground floor commercial if they don’t think it’s economical, or if it isn’t something they normally build. Ms. Marzilli says that offering choices is a good way to capture things.

Mr. Lau says there’s a strong desire for more commercial, both from the public and from the ARB. Mr. Baudoin thinks that two stories is a strong bonus, and a builder would be able to extend the building forward, to have a 0’ front setback. Mr. Baudoin notes that Mass Ave is 3.5 miles long, and he doesn’t think it’s reasonable to expect that much ground floor commercial. Mr. Newton believes we can tailor the bonuses over time, as we see how well they perform.

Ms. Gruber motions that six stories be the maximum on Mass Ave, and that bonus stacking not be allowed. Ms. Korman-Houston asks about having the ability to stack bonuses, but to no more than six stories (e.g., by providing both open space and extra affordable housing). Ms. Gruber amends her motion: that the maximum height on Mass Ave will be six stories. Motion passes, 6-0.

Ms. Gruber motions that the maximum height on Broadway be five stories. Motion passes, 5-1 (Mr. Revilak voted in the negative). A member of the working group asks Mr. Revilak why he voted no. Mr. Revilak says he voted no for two reasons. First, it's already possible to build a five-story building on Broadway, and he'd like to see an incremental increase over what we currently allow. Second, Mr. Revilak doesn't think that a one-story bonus for ground floor commercial will be attractive, based on what he's heard from applicants that have come before the ARB. He doesn't think a one-story bonus will result in many commercial spaces.

Ms. Korman-Houston suggests having affordable housing bonuses for the neighborhood districts. Ms. Gruber asks what kind of bonus. Mr. Lau says he'd be okay with reducing the front setback to 5', for additional affordable housing.

Returning to the issue of setbacks, Mr. Revilak would like to note a tradeoff between what's required in the front and rear. Along main streets, traffic tends to make front yards noisy, and you often have to raise your voice to have a conversation with someone. Rear yards tend to be quieter, and it's easier to sit and talk with people. Mr. Revilak thinks that front and rear setbacks benefit different people. Front yard setbacks may benefit the public, while rear yard setbacks benefit the people who live in the building. For that reason, he's not comfortable with giving up space in the rear in order to move it to the front.

Mr. Littell says it will be hard to craft a by-right process where open space is used for a bonus. Standards for open space tend to be subjective. He says this will be hard to do on our tight timeline, unless members of the group already have specific language in mind. Mr. Morgan says we haven't discussed things like stormwater management, impervious surfaces, or shade on corridors. He acknowledges that privately-owned public spaces are a challenge. He thinks we need setback areas to meet resilience goals.

Mr. Baudoin is pleased with what we're looking at. He asks if we can reduce side-yard setbacks, to avoid having dead space between buildings. Mr. Baudoin is currently on vacation in Europe, and no one there forces businesses to create dead zones between buildings.

Mr. Lau wants to give a time check, because he'd like to hear more from Utile.

Mr. Patel says they've removed minimum parking requirements. Their model assumes four stories by right for the Mass Ave/Broadway district, and three stories by right in the neighborhood districts. The current district includes more R1, and avoids the Arlington Heights Business District that the ARB is considering. These districts are based on a 350 foot band around the center-line of Mass Ave and Broadway. Mr. Littell says the map follows general transit oriented development principals. They tried to include more existing R1 and fewer R2 parcels, but that produced a very unequal, gerrymandered look. So they stuck to the 350 foot band. Mr. Littell says they've provided two sets of capacity calculations: one based on a limit of 50 dwellings/acre, and one without a per-acre cap. As before, the capacity calculations were produced by EOHLC's compliance model. He says that 50 dwellings/acre is at the low end of what's currently in these areas; existing buildings on Mass Ave tend to range between 50-100 dwellings acre.

Mr. Lau asks how Utile decided where the districts should end. He notes examples where the district ends part-way through a street block. Mr. Littell says they applied the 350 foot rule fairly consistently.

Mr. Lau thinks there are small streets and dirt roads in East Arlington, which could serve as natural boundaries. He offers to mark up one of the maps, to suggest changes at the boundaries.

Ms. Gruber asks how many residential parcels are non-conforming because they have a business instead of a residential building. Ms. Ricker believes there are only a very limited number of cases. Ms. Gruber says she keeps hearing noise from the public about how this plan will eliminate businesses, and she doesn't know what that's referring to.

Mr. Revilak likes the way the map is shaping up. He believes there's one factor we haven't addressed: the Redevelopment Board asked us to leave out parcels around small business districts, so that it would be possible to expand them in the future. The current map doesn't do this. Mr. Baudoin thinks this is an area where the ARB should weigh in. Mr. Newton agrees. He thinks it would be more appropriate for the ARB to go through the map with a fine-toothed comb, and make those sort of adjustments.

Mr. Lau asks when Utile will need to receive the map changes he plans to propose. Mr. Patel says that tomorrow (Wednesday) would be ideal, but they could probably wait until Thursday. Mr. Lau says he'll try to get the changes to Utile by noon on Wednesday.

Mr. Baudoin offers two suggestions. First, adopt setbacks as proposed for the Mass Ave and Broadway districts, but with 5' side-yards. That would be 0' or 20' in the front, 5' on the side, and 20' in the rear. Second, have neighborhood district setbacks of 10' front, 10' side, and 20' rear. Mr. Littell says that 5' makes sense for tightening up the spaces between commercial buildings. Less than that, and you'd need to reduce fenestration, and get into changes in the building code. Mr. Baudoin points out that there are many existing Arlington neighborhoods where buildings have 0' side setbacks. Mr. Lau says he'd prefer 0' to 5'. Mr. Baudoin agrees with 0' side setbacks for commercial buildings, but he'd prefer 5' for residential. Mr. Morgan asks about having a larger setback in front, in exchange for having a smaller setback on the sides. The discussion of setbacks continues.

Mr. Baudoin asks Utile to change the side-yard setbacks they're putting into the model, going from 10' to 5'. The working group agrees to this request.

Mr. Newton wants to see if we're in agreement about having a 10' front yard setback for residential-only buildings, and 0' if there's ground floor commercial. Mr. Revilak thought the OSC was asking for front yard setbacks that were large enough to accommodate a shade tree, and they felt that 10' was too small. Mr. Morgan says the OSC preferred a 20' front yard setback. But he's not comfortable with putting open space and affordable housing in competition with one another.

Mr. Lau motions that we have 0' front setbacks for buildings with ground floor commercial, and 10' for buildings that are residential-only. Mr. Newton wants to verify that 10' is what Utile has been modeling for compliance. Mr. Littell says they'll use 10' for compliance, as that's what's allowed in the by-right/no-bonus case. He suggests the working group think about how the 10' is supposed to be used. Mr. Lau pictures the 10' being used for shrubs and plantings. Mr. Newton asks how much we can mandate about how the 10' setback is used. Mr. Littell says we can prohibit parking in the front setback. He says that municipalities can create regulations for resilient zoning, but he doesn't think that section 3A compliance is the right vehicle for doing so. Mr. Lau would like to say 10' for now for residential-only

buildings. But this might change in the future. Mr. Littell notes that it's possible to allow and prohibit certain things.

There's a motion to have 0' front yard setbacks in the Mass Ave/Broadway district, where ground floor commercial is included. The front setback will be 10' for residential-only buildings. Motion passes, 5-1 (Mr. Baudoin voted in the negative).

Ms. Korman-Houston motions to have a one-floor bonus for extra affordable housing in the Mass Ave/Broadway districts if the builder goes beyond what's required for inclusionary zoning. Ms. Korman-Houston says we can leave the question of "how much extra" for later. Motion passes, 5-1 (Mr. Lau voted in the negative).

Ms. Ricker asks if the group would be okay with 20' front setbacks in the neighborhood districts. Mr. Lau and Mr. Baudoin prefer 10' front setbacks.

Ms. Gruber motions that the maximum height in the neighborhood districts be four stories. Motion passes, 4-2 (Mr. Newton and Ms. Korman-Houston voted in the negative).

The group discusses affordable housing requirements, and whether we'll submit documentation to the EOHLIC to demonstrate that our inclusionary zoning requirements are economically viable. Ms. Gruber motions that we ask the Department of Planning and Community Development to submit documentation to the state, showing that our 15% inclusionary zoning requirement is economically viable. Motion passes, 6-0.

Ms. Ricker asks the group to make one more decision: would we like to go forward with a 50 dwelling/acre max, or no limit on the number of dwellings acre? Mr. Baudoin notes that there are many existing buildings that provide more than 50 dwellings/acre. There's a motion to support the no-limit scenario. Motion passes, 6-0.

Summary of Decision Points

This section summarizes decisions made during the meeting.

1. There was general approval for the idea of the working group producing a final report, as a way to explain their recommendations and process to both the Arlington Redevelopment Board and the general public. The working group arrived at this decision without a formal vote.
2. The maximum building height in the Mass Ave multi-family district shall be six stories. Voted 6-0.
3. The maximum building height in the Broadway multi-family district shall be five stories. Voted 5-1 (Mr. Revilak voted in the negative).
4. The maximum height in neighborhood multi-family districts (i.e., not along Mass Ave and Broadway) shall be four stories. Voted 4-2 (Mr. Newton and Ms. Korman-Houston voted in the negative).
5. There shall be a one-story height bonus in the Mass Ave and Broadway districts if the development includes extra affordable housing, beyond what is required by inclusionary zoning.

The question of “how much extra affordable housing” was left to be determined at a later date. Voted 5-1 (Mr. Lau voted in the negative).

6. There may be several types of bonuses available. Bonuses may be “stacked,” provided that the maximum height limit for the district is not exceeded. The working group agreed to this policy without taking a formal vote.
7. The Arlington Redevelopment Board asked the working group to leave space around the existing commercial districts, to provide opportunities for commercial district expansion and parcel consolidation. Through discussion, members of the working group agreed that this level of detailed map editing was best left to the Redevelopment Board. The working group arrived at this decision without a formal vote.
8. Mr. Lau expressed a desire to “smooth out” some of the district boundaries (e.g., by including fragments of street blocks that were left out of the district). Mr. Lau will provide a set of recommended changes to Utile. The working group agreed to this process without taking a formal vote.
9. Mr. Baudoin asked Utile to model 5’ side-yard setbacks in the Mass Ave and Broadway districts. The working group agreed to this request, without a formal vote.
10. The Mass Ave and Broadway districts shall have a 0’ front yard setback if ground floor commercial is included, and a 10’ front yard setback if the building is entirely residential. Voted 5-1 (Mr. Baudoin voted in the negative).
11. The working group agreed to 10’ front yard setbacks in the neighborhood districts. The working group arrived at this decision without taking a formal vote.
12. The working group requests that the Department of Planning and Community Development submit evidence to the EOHLC to demonstrate that Arlington’s 15% inclusionary zoning requirement is economically viable, and will not inhibit the production of multi-family housing. Voted, 6-0.
13. Utile provided the working group with two different capacity calculations, based on EOHLC’s compliance model. One set of calculations capped density at 50 dwellings/acre, and the other did not impose a density cap. The working group approved the version without a density cap. Voted, 6-0.

Documents Reviewed

- Draft district map and capacity calculations from Utile, dated July 18th.
- Joint letter from the Open Space Committee and Green Streets Arlington.