



## **Town of Arlington**

# **ARLINGTON REDEVELOPMENT BOARD Supplemental Report to 2024 Annual Town Meeting**

Rachel Zsembery, Chair

Kin Lau, Vice Chair

Eugene Benson

Shaina Korman-Houston

Stephen Revilak

Claire V. Ricker

Secretary Ex-Officio

Director of the Department of Planning and Community Development

Voted April 29, 2024

### **Purpose of the Supplemental Report**

This Supplemental Report to 2024 Town Meeting makes one additional change to the Zoning Bylaw that is required by Article 28 but that was inadvertently overlooked by the Redevelopment Board in its recommended vote on Article 28. It now also removes the Inland Wetland District from the list of Overlay Districts in Section 4.1.2.

The additional sections of the Draft Amendment text of Article 28 are boxed; the rest is identical to the language in the Board Report to 2024 Town Meeting, dated April 1, 2024.



**VOTE AND RECOMMENDATION TO TOWN MEETING**

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**VOTE: Favorable Action (5-0) – that the Zoning Bylaw be and hereby is amended as follows:**

**DRAFT AMENDMENT**

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**Amend SECTION 4.1.2 to delete the Inland Wetland District, as follows:**

**4.1.2 Overlay Districts**

- (1) Floodplain District
- ~~(2) Inland Wetland District~~

**Delete SECTION 5.8, Inland Wetland District, as follows:**

**~~5.8 INLAND WETLAND DISTRICT~~**

**~~5.8.1 Purpose~~**

The purpose of Section 5.8 is to:

- ~~A. Preserve and protect the streams, water bodies, and other watercourses, including wetlands, in the Town of Arlington.~~
- ~~B. Protect the health and safety of persons and property against the hazards of flooding and contamination.~~
- ~~C. Preserve and maintain the groundwater table for potential water supply purposes.~~
- ~~D. Protect the community against the detrimental use and development of lands adjoining such watercourses.~~
- ~~E. Conserve the watershed areas in Arlington for the health, safety, and welfare of the public.~~

**~~5.8.2 Definition~~**

The Inland Wetland District is superimposed over any other district established by this Bylaw and includes the following areas:

- ~~A. All lands within the elevations shown on the Wetland and Floodplain Overlay Map of the Zoning Map and designated as wetlands as defined by the Massachusetts Wetlands Protection Act, G.L. c.131 §40, and the implementing regulations, 310 CMR 10.00, as well as the Town of Arlington Bylaw for Wetlands Protection (Title V, Article 8), and the Wetland Protection Regulations (Regulations) promulgated thereunder. These include lakes, ponds and swamps.~~
- ~~B. All land area along all perennial rivers, brooks, and streams as defined by the Massachusetts Wetlands Protection Act, G.L. c.131 §40, and the implementing regulations, 310 CMR 10.00, as well as the Town of Arlington Bylaw for Wetlands Protection (Title V, Article 8), and the Wetland Protection Regulations (Regulations) promulgated thereunder for a horizontal distance of 200 feet from the center line thereof are included in the Inland Wetland District.~~
- ~~C. All lands designated on the zoning map as having a shallow depth to water table. These lands are the poorly and very poorly drained mineral soils, and very poorly drained soils formed in organic deposits. Poorly drained mineral soils have a water table at or near the~~

surface for at least 7 to 9 months during the year. The water table remains at or close to the surface of very poorly drained mineral and organic soils throughout most of the year.

#### **5.8.3. Applicability**

Any proposed use to be located within the limits of the Inland Wetland District as determined by the Building Inspector under Section 3.1 of this Bylaw shall be governed by all regulations of this Section as well as all other applicable provisions of this Bylaw.

#### **5.8.4. Permitted Uses**

Municipal use, such as waterworks, pumping stations, and parks, is permitted under this section. Land in the Inland Wetland District may be used for any purpose otherwise permitted in the underlying district except that:

- A. No structure intended for human occupancy or use on a permanent basis having water and sewerage facilities and no other building, wall, dam or structure (except flagpoles, signs, and the like) intended for permanent use shall be erected, constructed, altered, enlarged, or otherwise created or moved for any purpose unless a Special Permit from the Board of Appeals or, in cases subject to Environmental Design Review, a Special Permit from the Arlington Redevelopment Board, is issued. However, a structure existing at the time this Bylaw becomes effective may be reconstructed or repaired after a fire or other casualty, as provided in Section 8.1.8 of this Bylaw.
- B. Dumping, filling, excavating, or transferring of any earth material within the district is prohibited unless a Special Permit from the Board of Appeals or, in cases subject to Environmental Design Review, a Special Permit from the Arlington Redevelopment Board, is issued. However, this paragraph does not prohibit ordinary gardening activities in lawn or garden areas which are used for such purposes at the time this Bylaw became effective.
- C. No ponds or pools shall be created or other changes in watercourses, for swimming, fishing, or other recreational uses, agricultural uses, scenic features, or drainage improvements or any other uses unless a Special Permit from the Board of Appeals or, in cases subject to Environmental Design Review, a Special Permit from the Arlington Redevelopment Board, is issued.

#### **5.8.5. Procedures**

Applications for a special permit shall be filed in accordance with the rules and regulations of the Special Permit Granting Authority and G.L. c. 40A, as outlined in Section 3. Such conditions shall include, where applicable, approval by the Board of Appeals, Arlington Redevelopment Board, Conservation Commission, the Massachusetts Department of Environmental Protection, and/or the Massachusetts Department of Transportation under Chapter 131 of the General Laws, acts relating to the protection of the inland wetlands of the Commonwealth.

#### **5.8.6. Development Conditions**

- A. For the development of land within the Inland Wetland District, the following conditions shall apply:
  - (1) A minimum of six test borings to a minimum depth of eight (8) feet shall be taken; three of which shall be within the area of the proposed structure and three within 25 feet of the outside walls of the structure, but not closer than 10 feet. A report by a soil scientist or qualified engineer shall accompany the test data.

- (2) The floor level of areas to be occupied by human beings as living or work space shall be four (4) feet above the seasonal high water table and not subject to periodic flooding.
  - (3) If the basement floor level is below the seasonal high water table and affords the possibility of human occupancy at some future date, although not originally intended, adequate perimeter drainage and foundation shall be installed to withstand the effect of pressure and seepage. Furnace and utilities are to be protected from the effects of leaching.
  - (4) Safe and adequate means of vehicular and pedestrian passage shall be provided in the event of flooding of the lot(s) or adjacent lot(s) caused by either the overspill from water bodies or high runoff.
- B. The developer shall show that the proposed development will not endanger health and safety, including safety of gas, electricity, fuel, and other utilities from breaking, leaking, short-circuiting, grounding, igniting or electrocuting; shall not obstruct or divert flood flow; substantially reduce natural floodwater storage capacity; destroy valuable habitat for wildlife; adversely affect groundwater resources or increase storm water run-off velocity so that water levels on other land are substantially raised or the danger from flooding increased.

Renumber subsequent Sections as appropriate.