



**Town of Arlington**

**ARLINGTON REDEVELOPMENT BOARD**

**Report to:**

**Annual Town Meeting, Monday, April 24, 2017  
Special Town Meeting, Wednesday, April 26, 2017**

Voted as amended Monday, April 3, 2017

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## **ARLINGTON REDEVELOPMENT BOARD**

**Andrew Bunnell, Chair, (Term through 1/31/2020)**  
**Andrew West, Vice Chair, (Term through 6/30/2017)**  
**Eugene Benson (Term through 1/31/2020)**  
**Kin Lau (Term through 1/31/2019)**  
**David Watson (Term through 6/30/2018)**

Jennifer Raitt, Secretary Ex-Officio

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## **Introduction and Overview**

The Arlington Redevelopment Board (ARB) acts as the Town's planning board (Section 2 of Section 17 of the Town Manager Act), and as such is required to issue a report with recommendations to the Town Meeting on each warrant article that proposes to amend the "Town of Arlington Zoning Bylaw." The ARB must first hold an advertised public hearing on each warrant article. The advertisement for Annual Town Meeting (ATM) appeared in the *Arlington Advocate* as required on February 23, 2017 and March 2, 2017. The public hearing for ATM Articles 6-10 was held on Monday, March 13, 2017, and continued to March 20. The public hearing for Special Town Meeting (STM) Articles 1 and 2 was held on Monday March 20, 2017, and continued to March 27, and appeared in the *Arlington Advocate* on March 2, 2017 and March 9, 2017. At its meeting on March 20, 2017 the ARB voted on the recommended bylaw language for ATM shown below. At the meeting of March 27, 2017 the ARB voted on the recommended bylaw language for STM shown below. The Board's vote was unanimous for each zoning warrant article. This report to the Annual Town Meeting was approved at the April 3, 2017 ARB meeting.

Appearing below are the six (6) articles that propose amendments to the Zoning Bylaw. The intent of each article is briefly explained, followed by the ARB's vote on each article, 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.

## **Annual Town Meeting Warrant Articles**

Warrant Articles 6 and 7 are amendments to Zoning adopted by Town Meeting in spring 2016. Following one year of implementing the new mixed-use zoning bylaw, these changes to two components of the bylaw are designed to further economic vibrancy along Arlington's major corridors. As a resolution out of 2016 Annual Town Meeting, the Residential Study Group (RSG) formed to protect neighbors from development impacts in residential areas. Article 8 is the first zoning amendment proposed by the RSG. Articles 9 and 10 were submitted by ten (10) registered voters, and propose buffer zones for Medical Marijuana Treatment Centers (MMTC), and a zoning district map amendment from Two-Family Residential (R-2) to Single-Family Residential (R-1) in the Mount Gilboa neighborhood.

Special Town Meeting (STM) Article 1 supplements Annual Town Meeting Article 8. STM Article 2 proposes a moratorium on Recreational Marijuana facilities, proposed by the Town Manager on behalf of the Board of Selectmen.

**ARTICLE 6**

**ZONING BYLAW AMENDMENT/ MIXED USE IN  
BUSINESS AND INDUSTRIAL ZONES**

To see if the Town will vote to amend the Zoning Bylaw ARTICLE 6 SECTION 6 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS for Mixed-Use development by reducing or removing the Minimum Lot area per Dwelling Unit Sq. Ft. requirement, or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

Discussion: The Department of Planning and Community Development (DPCD) has reviewed several mixed-use development proposals (one has been approved) and received feedback that the requirements make it difficult to achieve the density in commercial corridors recommended in the Master Plan. The relatively high requirement for Minimum Lot Area per Dwelling Unit results in fewer, larger units, rather than a variety of unit sizes, as recommended in the Master Plan and the Housing Production Plan adopted by the Board of Selectmen, the Redevelopment Board and approved by the State Department of Housing and Community Development in 2016. Removing this requirement allows more units of varying sizes, without increasing the building size, height, or floor area. Comparable municipalities including Watertown, Somerville, Brookline and Lexington, allow mixed-use in their commercial areas with no lot area per dwelling unit requirement.

ARB vote: The Redevelopment Board voted unanimously (5-0) to recommend the following Article, to encourage development and growth along commercial corridors, encourage a diversity of unit sizes, and increase the customer base in commercial centers. The Board noted that the special permit requirement for all mixed-use development will allow the ARB to ensure development is in keeping with the intent of the zoning. They further noted that removing the present requirement may result in more moderately priced housing and offer a greater diversity of housing options, as recommended by the Arlington Master Plan.

VOTED: That the Zoning Bylaw be and hereby is amended by:

**Amending Article 6 Section 6, Table of Dimensional and Density Regulations, as follows:**

**SECTION 6.00 - TABLE OF DIMENSIONAL AND DENSITY REGULATIONS (Continued)**

ART. 8, STM 3/85; ART. 11, ATM 4/98	Intensity of Development										Open Space		
	Lot Requirements, Minimum <sup>M</sup>	Fl. Area Ratio Maximum	Lot Coverage Maximum Percent	Minimum Lot Area per Dwelling Unit, Sq. Ft.	Minimum Yard, Ft. <sup>P</sup>				Height Maximum	Percent of Gross Floor Area			
Dis-trict	Use	Size, Sq. Ft.	Frontage, Ft.	Ratio Maximum	Maximum Percent	Sq. Ft.	Front <sup>E</sup>	Side <sup>E</sup>	Rear <sup>E</sup>	Stories	Feet <sup>G</sup>	Landscaped	Usable
<b>B1 Mixed Use</b>		<b>5000</b>	<b>50</b>	<b>0.75</b>	<b>NA</b>	<b>2500-NA</b>	<b>20</b>	<b>10</b>	<b>20</b>	<b>3</b>	<b>35</b>	<b>20%</b>	<b>-<sup>H</sup></b>
<b>B2 Mixed Use</b>		-	<b>50</b>	<b>1.50</b>	<b>NA</b>	<b>1,450-NA</b>	-	-	<b>10+(L/10)</b>	<b>4<sup>T</sup></b>	<b>50</b>	<b>10%</b>	<b>-<sup>H</sup></b>
<b>B2A Mixed Use</b>		-	<b>50</b>	<b>1.50</b>	<b>NA</b>	<b>700 NA</b>	<b>0</b>	<b>0</b>	<b>10+(L/10)</b>	<b>5<sup>T</sup></b>	<b>60</b>		
<b>B3 Mixed Use</b>		-	<b>50</b>	<b>1.50</b>	<b>NA</b>	<b>600 NA</b>	<b>0</b>	<b>0</b>	<b>(H+L)/6</b>	<b>5<sup>T</sup></b>	<b>60</b>		
<b>B4 Mixed Use</b>		-	<b>50</b>	<b>1.50</b>	<b>NA</b>	<b>700 NA</b>	<b>0</b>	<b>0</b>	<b>10+(L/10)</b>	<b>5<sup>T</sup></b>	<b>60</b>		
<b>B5 Mixed Use</b>		-	<b>50</b>	<b>1.80</b>	<b>NA</b>	<b>700 NA</b>	<b>0</b>	<b>0</b>	<b>10+(L/10)</b>	<b>5<sup>T</sup></b>	<b>60</b>	-	-
<b>I Mixed Use</b>		-	-	<b>1.50</b>	<b>NA</b>	<b>NA</b>	<b>10<sup>J</sup></b>	<b>10<sup>J</sup></b>	<b>10<sup>J</sup></b>	<b>4<sup>T</sup></b>	<b>52</b>	-	-

<sup>T</sup> Upper Story Building Step Backs are required for structural floors over three stories, as required in Section 6.28

**ARTICLE 7**

**ZONING BYLAW AMENDMENT/ DEFINITIONS  
ARTISANAL FABRICATION**

To see if the Town will vote to amend the Zoning Bylaw ARTICLE 2 DEFINITIONS for Artisanal Fabrication by increasing or removing the maximum square foot area requirement, or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

Discussion: The Master Plan recommends the Town update the commercial and industrial zoning to attract new businesses and jobs in emerging growth industries. During the Master Plan process, many residents expressed an interest in retaining businesses in the industrial zones, to prevent the Town from becoming entirely residential. In 2016, Town Meeting adopted the definition of a new use called “Artisanal Fabrication”, which includes woodworking, jewelry making, production of alcohol and food processing, but limits the space allowed to no more than 5,000 square feet. Many food and alcohol production businesses require a large up-front capital investment. These businesses can easily expand beyond the 5,000 square foot limit if successful. These business types are considered to be growing industries in the Boston area, and limiting their size may inhibit such businesses from choosing Arlington.

ARB vote: The Redevelopment Board voted unanimously (5-0) to recommend the following Article, to encourage new business types including breweries and commercial kitchens, the possibility of community oriented spaces, and businesses that employ local residents, by amending the Definition of Artisanal Fabrication as follows:

VOTED: That the Zoning Bylaw be and hereby is amended by:

Amending Article 2, Definitions, Section 2.01 General with the following text changes:

Artisanal Fabrication:

Production of goods by the use of hand tools or small-scale, light mechanical equipment occurring solely within an enclosed building where such production requires no outdoor operations or storage, ~~and where the production, operations, and storage of materials related to production occupy no more than 5,000 square feet of gross floor area.~~ Typical uses have minimal negative impact on surrounding properties and include, but are not limited to, woodworking and cabinet shops, ceramic studios, jewelry manufacturing and similar types of arts and crafts, production of alcohol, or food processing.

**ARTICLE 8**

**ZONING BYLAW AMENDMENT/RESIDENTIAL  
DRIVEWAY AND PARKING ACCOMMODATION ZONING CHANGES**

To see if the Town will vote to amend the Zoning Bylaw to address design and construction of new residential driveways and parking accommodations by: amending ARTICLE 8 SECTION 8.07 PARKING IN RESIDENTIAL DISTRICTS to set the maximum allowable grade for driveways accessing below-grade garages for single, two-family, duplex, or three-family dwellings at 15 percent (15%) unless authorized by special permit; amending ARTICLE 8 SECTION 8.07 PARKING IN RESIDENTIAL DISTRICTS to require vegetated buffers;

amending ARTICLE 8 SECTION 8.07 PARKING IN RESIDENTIAL DISTRICTS to allow for incentives for surface parking at newly-constructed single, two-family, duplex or three-family dwellings; amending ARTICLE 8 SECTION 8.01 OFF-STREET PARKING REQUIREMENTS to decrease the number of off-street parking spaces required per dwelling unit from two (2) to one (1) for all single, two-family, duplex, or three-family dwellings; amending ARTICLE 6 SECTION 6 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS to consider changes to minimum setbacks; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

Discussion: The Master Plan noted that “Arlington’s rising home values make it more difficult to preserve the social mix that many people characterize as one of its strengths” (p.87). And “high residential real estate values have led to demolition of smaller scale houses and their replacement with large homes out of scale with the existing neighborhood” (p.88). In response to these concerns, 2016 Annual Town Meeting was to form a Residential Study Group (RSG). The RSG began their work in September, and has met more than 25 times, a collective 850 hours by the 12 group members and three DPCD staff. The result has been two (2) zoning warrant articles, one for Annual Town Meeting and one for Special Town Meeting, as well as four (4) Town Bylaw Amendments.

Warrant Article 8 addresses the safety issues caused by steep downward sloping driveways and provides incentives for builders of new homes to build parking in the side yard rather than underneath the house with a steep driveway in the front yard. It limits the downward slope of a driveway to 15%. There are currently no limits on driveway slope. Some recently constructed driveways in Town have grades as high as 28%. These driveways break up the streetscape with wide driveways, curb cuts, and reduced front yard green space, and create safety issues for pedestrians and drivers because of inadequate sight lines for cars backing out of underground garages.

The incentive portion of Article 8 reduces the parking requirement from two (2) spaces to one (1) space per unit. The Arlington Zoning Bylaw requires parking spaces to be behind the front yard setback. This means that two spaces for a single-family house or four spaces for a two-family house have to be behind the setback line, which is 25 feet in a single-family (R1) zone and 20 feet in a two-family (R2) zone. (Section 8.07(a)) There is no prohibition against parking on a driveway in the front yard setback, but it does not count toward fulfilling the parking requirement. Allowing one parking space per unit could have the effect of reducing paved driveway area on a lot. The new bylaw also requires a vegetated buffer between driveways and side lot lines.

Special Town Meeting Warrant Article 1, discussed later in this report, would provide a second incentive, to allow more flexibility in the configuration of the contiguous open space on a lot. This provision would incentivize side yard driveways and garages in the rear of a lot. This provision does not reduce the amount of open space on the lot, just its configuration, and only in new construction.

ARB vote: The Redevelopment Board voted unanimously (5-0) to recommend the following Article, to promote public safety by amending parking requirements in some residential districts as follows:

VOTED: That the Zoning Bylaw be and hereby is amended by:

AMENDING ARTICLE 8 SECTION 8.07 PARKING IN RESIDENTIAL DISTRICTS

**Section 8.07 - Parking in Residential Districts**

a. For single, two-family or duplex, and three-family dwellings, off-street parking shall not be permitted in the area between the front lot line and the minimum front yard setback except on a driveway not exceeding twenty (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 six thousand (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. 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.

AND AMENDING ARTICLE 8 SECTION 8.01 OFF-STREET PARKING REQUIREMENTS

**Section 8.01 - Off-Street parking Requirements**

TABLE OF OFF-STREET PARKING REGULATIONS

Use	Number of off-street parking spaces per unit
Dwelling, one-, two-, and three-family units.	<del>Two (2)</del> <u>One (1)</u> per dwelling unit.

**ARTICLE 9**

**ZONING BYLAW AMENDMENT/MEDICAL MARIJUANA TREATMENT CENTER BUFFER ZONE**

To see if the Town will vote to amend the Zoning Bylaw to add a section 5.07 establishing a buffer zone for Medical Marijuana Treatment Centers (“MMTC”, also known as Registered Marijuana Dispensaries “RMD”); prohibiting siting of such facilities within a radius of five hundred feet of a school, daycare center, or any facility in which children commonly congregate; the 500 foot distance under this section to be measured in a straight line from the nearest point of the facility in question to the nearest point of the proposed MMTC; and further defining for the purposes of this section a “facility in which children commonly congregate” to include: dance schools, gymnastic schools, technical schools, vocational schools, public and private K-12 schools, public libraries, facilities that offer tutoring or after school instruction, licensed daycare facilities (including private home daycare), pediatrics offices, parks that have play structures and athletic fields intended for use by children, accredited Headstart facilities, and commercial establishments that host children’s parties; or take any action related thereto.

(Inserted at the request of Karen E. Thomas-Alyea and ten registered voters)

Discussion: This or similar articles have been on the Town Meeting Warrant twice before within the past two (2) years. The ARB voted “No Action” on the most recent article, at Fall 2016 STM. Therefore, according to M.G.L Ch. 40A, Section 5, Town Meeting cannot consider this article unless it is recommended favorably by the Redevelopment Board.



ARB vote: Following exhaustive testimony and discussion with proponents of this Article, as well as the Chief of Police and Director of Health and Human Services, the Redevelopment Board voted unanimously (5-0) to recommend No Action on this Article. The Board cited a concern that the proposed buffer zones were so numerous and large that they effectively precluded the siting of MMTC's anywhere in town, possibly opening the Town to potential litigation. The Board also noted that the permitting and licensing processes for MMTC's provide for extensive vetting of safety concerns and the appropriateness of a chosen location. While similar to earlier Warrant Articles from previous years that were not adopted, this Warrant Article adds new categories to those requiring buffer zones. The Board has committed to further review of potential public safety items and to the creation of a study group to undertake these issues and, if necessary, to propose appropriate controls for review at a future Town Meeting.

## **ARTICLE 10**

## **ZONING BYLAW AMENDMENT/R2 to R1 DESIGNATION**

To change the Zoning District in the Mount Gilboa Historic District from the current Zoning District of R2 to its former District of R1. The proposed area shall encompass the following streets: 2-133 Crescent Hill Avenue, 2-16 Park Place, 3-115 Westmoreland Avenue and 11-197 Westminster Avenue; or take any action related thereto.

(Inserted at the request of Janice A. Weber and ten registered voters)

Discussion: The Proponent withdrew this article.

ARB vote: The Redevelopment Board voted unanimously (5-0) to recommend No Action on this Article.

## **2017 Special Town Meeting Warrant Articles**

### **ARTICLE 1**

### **ZONING BYLAW AMENDMENT/DEFINITIONS**

To see if the Town will vote to amend the Zoning Bylaw to change the definition of "Open Space, Usable" by reducing the required horizontal dimension, to allow for incentives for surface parking at newly-constructed single, two-family, duplex or three-family dwellings; or take any action related thereto.

(Inserted at the request of the Town Manager on behalf of the Residential Study Group)

Discussion: This Article is intended to work in conjunction with Annual Town Meeting Article 8, to provide an additional incentive for builders of newly constructed homes to build at-grade parking, rather than in below-grade garages. The Arlington Zoning Bylaw requires that 30% of the gross floor area of a home be devoted to usable open space, defined as contiguous green space with a minimum area measuring 25' X 25'. This amendment will allow more flexibility in the configuration of the contiguous open space on a lot without reducing the overall requirement for open space on a lot or dimensional setbacks. Further, it provides an incentive to build at-grade garages, within the house, replacing the lost square footage on a lot. This provision does not reduce the required amount of open space (30%) on a lot, just its configuration, and only for newly constructed homes.



zoning; and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Recreational Marijuana Establishments. The Town intends to adopt a 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.

#### 11.10.2 Definitions

“Recreational Marijuana Establishment” shall mean a non-medical “marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.”

#### 11.10.3 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 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.

#### 11.10.4 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 related thereto.

(Inserted at the request of the Town Manager)

Discussion: This Article will allow time for the Town to consider the impacts of recreational marijuana facilities and possibly 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. The Board acknowledged that this additional time may not be necessary because no facility can be permitted until the State issues regulations, which is likely to occur after this moratorium ends, but that this will provide a safety net for the Town, if State regulations are issued before June 30, 2018.

ARB vote: The Redevelopment Board voted unanimously (5-0) to recommend the following Article:

That the Zoning Bylaw be and hereby is amended by adding a new section 11.10, TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS, which would provide as follows, and further to amend the Table of Contents to add Section 11.10, "Temporary Moratorium on Recreational Marijuana Establishments."

#### Section 11.10.1 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. 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 commercial sales of recreational marijuana by local ballot questions. 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 to consider amending the Zoning Bylaw regarding regulation of Recreational Marijuana Establishments. The Town intends to adopt a 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.

#### 11.10.2 Definitions

"Recreational Marijuana Establishment" shall mean a non-medical "marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business."

#### 11.10.3 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 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.

#### 11.10.4 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 related thereto.

*-- End of Report --*