

ARLINGTON REDEVELOPMENT BOARD

TOWN HALL - ARLINGTON, MASSACHUSETTS 02174

TELEPHONE 617 643-6700

October 6, 1975

Re: Article 2

Special Town Meeting
Robbins Memorial Town Hall
Arlington, Massachusetts

Gentlemen:

In connection with the proposed modification or amendment of the Zoning Bylaw, so called, relating to the replacement of the existing bylaw with the proposed zoning bylaw, as more particularly set forth in Article 2 of the Warrant for the Special Town Meeting of October 6, 1975, the Arlington Redevelopment Board's final report is as follows:

The said Board held a public hearing upon the matter of such proposed amendment in the auditorium of Robbins Memorial Town Hall on September 15, 16, and 17, 1975, public notice of which was given by publication in the ARLINGTON ADVOCATE of August 28, 1975, and September 4, 1975, copies of which are attached hereto. Approximately thirty-five people were present at the hearing.

The preparation of the proposed new Zoning Bylaw for Arlington consists of far more than the text that is before the Town Meeting as Article 2 of the Warrant. It has been prepared and submitted for your action only after numerous studies have been prepared for the Redevelopment Board by the Department of Planning and Community Development and outside consultants. In many instances, the background work has included public meetings at which you and other residents of Arlington have commented on our work. We would like to spend a short time to review this background material.

In 1924, the town of Arlington became one of the first communities to adopt a Zoning Bylaw. The initial bylaw was amended significantly in 1946, and in 1959; however, the format and the zoning map have remained essentially the same during the last fifty-one years. During this period, there have been over 2,000 requests for variance from the terms of the Bylaw, which is one indication that there are problems with the Bylaw or provisions of the Bylaw that are not consistent with what is desired in the town. In addition, there have been over 350 attempts to amend the Bylaw through Town Meeting.

Our purpose in proposing this new Bylaw is twofold. First, we are attempting to alleviate many of the problems that have presented themselves over this period of time. Second, we have designed a new Bylaw that will permit the town to respond to new development pressures in the future.

Starting in July of 1972, the Redevelopment Board adopted a series of preliminary goals and objectives for the town of Arlington. Later on in that year, the Department of Planning and Community Development completed a complete land-use study of the town which included an analysis of how each of the 12,500 separate parcels of land in Arlington were used. Later that year, studies of the population and the economy of the town were completed. In 1973, studies on community facilities, transportation and circulation, housing, financial impact analysis, and possible urban renewal projects were prepared. Based in part on these studies, the Annual Town Meeting in April of 1973 was asked to adopt a moratorium on all apartment construction in Arlington. The moratorium stated that no new apartments could be constructed in any residential district and no uses of any kind could be constructed in industrial districts. The moratorium was to last until the Comprehensive Plan was completed and in no event later than September 1, 1975.

As you know, that moratorium was contested in the courts and was eventually argued before the Supreme Judicial Court of Massachusetts. In June of this year, the moratorium was found to be a legal exercise of the zoning power. More importantly, the period during which the moratorium was in effect provided an opportunity for sound planning.

Following the adoption of the moratorium by the Town Meeting, the Redevelopment Board and the Department of Planning and Community Development and outside consultants began the detailed process of developing the new Zoning Bylaw. Once again there was a parcel-by-parcel land-use inventory to update the work that had been done earlier. The land-use data were necessary to provide more detailed information on lot sizes, locations, and uses of buildings. The information was then analyzed to provide guidelines for the new zoning districts as well as the Tables of Use and Dimensional Regulations.

The Mill Brook Valley area was the subject of several special studies due to its important role in the central portion of the town. The Redevelopment Board was given a great deal of outside assistance in dealing with this important area. Numerous boards, commissions, town officials, and interested residents and organizations provided input.

The Conservation Commission jointly sponsored a study with the Redevelopment Board to determine the extent of flooding problems along the Mill Brook. The resulting study, the Mill Brook Hydrological Flood Plain Study, delineated the flood plain and also provided a listing of remedial improvements that should be undertaken by the town. Both the Conservation Commission and the Conservation Association provided input to land-use options in the Mill Brook Valley.

The Historical Commission provided a detailed survey of buildings of both historical and architectural merit. This report was supplemented by information from the Historical Society. The information provided by both organizations has been used to analyze and evaluate land-use options.

The Board has also received outside consultant assistance to determine in more detail the market potential for land in Arlington. In addition, consultants have assisted in relating land development to the traffic capacity of streets. Both of these inputs have been extremely important in the development of the new zoning map and the density controls.

As you know, there are plans to extend the Red Line subway through the town under the railroad right-of-way. The MBTA and its consultants are presently involved in a study of the environmental impacts of the proposed extension. The Redevelopment Board has monitored this study carefully, and many of the preliminary findings of the study have been helpful in the development of the zoning proposals.

In an effort to solicit input to the new Zoning Bylaw, the Redevelopment Board has met with the League of Women Voters, business organizations such as the Arlington Chamber of Commerce, Rotary, Kiwanis, and any interested citizen. During the early stages of the drafting of the Zoning Bylaw, a newsletter for Town Meeting Members and interested citizens was published. At the Annual Town Meeting of 1975, a table was maintained at the front of the Town Hall to provide information to interested residents.

During 1974 and 1975, a series of public meetings were held to explain the preliminary concepts and to receive citizen input. In August of 1974, Town Meeting Members and the general public were invited to the Town Hall to discuss preliminary land-use concepts. The information received at these meetings was used to make final corrections to the first draft of the Zoning Bylaw.

In late September 1974, the first draft of the new bylaw was finished. This preliminary draft was circulated to department heads, the Town Manager, and the Selectmen to get their input. The feedback received from that circulation was used to make

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revisions to the preliminary draft. In February and March of 1975, the Board held a series of meetings in different sections of town to which all Town Meeting members received a written invitation. Based on the comments the Board received at those meetings, the Zoning Bylaw was revised again.

Following those public meetings, a more detailed Table of Use Regulations was prepared and distributed to municipal officials and other people who expressed interest at the public meetings. The feedback from that distribution was used to amend the proposed Use Regulations and to refine the proposed zoning map. In July of this year, we distributed more precise versions of the Table of Use Regulations, Table of Dimensional Regulations, and the Zoning Map.

Each succeeding draft went to a larger group of people for review. In August, we distributed the final version of the Zoning Bylaw to a distribution list of approximately fifty people including all previous Planning Board chairmen dating back to the mid 1950's. The comments we received from that distribution were taken into account and the final changes to the draft Zoning Bylaw were prepared. The version was advertized locally on August 28 and September 4, 1975, for the public hearings that were held on September 15, 16, and 17, 1975.

Prior to the public hearings, each Town Meeting Member was sent a copy of the Zoning Bylaw for review. The legal advertisement of the Bylaw and the public hearing represented the last opportunity for public input to the Bylaw prior to this meeting.

The Redevelopment Board has carefully evaluated all the comments and requests made at the public hearing. The Board plans to sponsor a series of amendments to the Bylaw as it appears in the Warrant. In other instances, the Board concluded, after careful evaluation, that it could not sponsor amendments. In these instances, the Board concluded that the requested change would not be in conformity with the official land use and zoning policies of the town.

The Board would like to summarize some of the key points of the new Bylaw. Since 1924, the Bylaws have remained in essentially the same format. The uses are additive, and as a result it is extremely difficult at times to determine what uses are permitted in which districts. One of the objectives of the new Zoning Bylaw is to provide a structure and content that is contemporary; one that will permit the town of Arlington to deal with the issues that confront it today and the issues that will probably confront it in the future.

Through our research we have attempted to do away with many of the inconsistencies of the old Bylaw. Because of the large number of amendments that were inserted over the years, the town ended up with a bylaw made up of many disconnected sections. One section would say that you could do something; later on that right was taken away from you. Our research showed that there were errors on the zoning map. We have researched every zoning map change since 1924, replotted them to determine if the zoning map that the town has been operating under recently is consistent with Town Meeting action of the last fifty-one years. In several instances, there were districts that were incorrect on the zoning map which was being used as the master in the town.

As we noted earlier, a great deal of time was spent mapping the town and examining the zoning district boundaries. The new Bylaw will, whenever possible, make sure the zoning district boundaries are consistent with property ownership. This is not the case with the old bylaw which creates a hardship on the property owner.

There has been a great deal of time spent designing zoning districts that on the one hand provide incentive for change, and on the other hand, do not, in most instances, create additional nonconforming uses. In some instances, we have been forced to create some new nonconforming uses. This has generally occurred when we have looked at land uses and related them to future development patterns of the town and felt that in the long run future development patterns of the town were more important than any particular use.

The new Bylaw provides a set of systematic and rational zoning districts. There are seven residential districts, five business districts, an industrial district, a hospital district, a planned unit development district, and a transportation district.

Although the number of districts proposed in the new Bylaw is larger than the number found in the existing Bylaw, this has been done by design. One of the dangers in rezoning a community that has already been developed is that you will inadvertently create a large number of nonconforming uses. One of the ways that we felt we could avoid this was by creating additional districts that would accommodate the uses that we found in the town of Arlington. Therefore, we believe that the new Bylaw actually reduces the number of nonconforming uses, structures and lots in the town.

The new Bylaw provides standards for the review of projects of any significant size which was a recommendation of the recently completed Arlington Center--Mill Brook Valley Plan. The present Bylaw contains no standards. The environmental design review process will provide a reasonable procedure to insure that new development is consistent with Arlington's needs. The new Bylaw provides a structure that can be easily amended in the future which is important when we realize that there are potential changes that can have a significant impact on a mature community like Arlington.

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Although we may have a Zoning Bylaw that is perfect for 1975, we will be confronted with issues in the future where we will probably have to amend that Bylaw.

The Bylaw also provides a great deal of protection for the strength of Arlington, that is the single- and two-family home comprising more than 90 percent of the tax base.

The Bylaw has been designed to provide some protection for older, architecturally significant buildings. This was a procedure designed after we received the information from the Historical Society and the Historical Commission. The present Zoning Bylaw provides no such protection, and, in fact, provides an incentive to destroy much of Arlington's heritage.

The new Bylaw contains incentives which will encourage the private real estate market to undertake development in the town of Arlington on Arlington's terms. There are incentives for assembling larger pieces of land. There are incentives for the preservation of historical buildings. There are incentives for the opening of such natural features as the Mill Brook.

In summary, the Redevelopment Board believes that the new Bylaw is a flexible one. It is void of clumsy and defensive tools commonly found in Zoning Bylaws. We view it as a modern land-use management tool designed to encourage more efficient and equitable growth patterns in Arlington in a manner consistent with a network that has already been established over the last 300 years. Hopefully, stopgap measures like the moratorium will no longer be necessary. We believe that the new Bylaw will provide the town with an opportunity to plan effectively and respond to the development issues in the future.

The Redevelopment Board, by a unanimous vote of all members present, recommends the adoption of Article 2.

Respectfully submitted,

Stephen Palm
Joseph T. Sullivan
Robert J. Shahan
Edward T. M. Eson
Philip J. M. Conarty

I hereby certify that the signatures affixed hereto are those of the members of the Redevelopment Board of the Town of Arlington.

ATTEST:

Christine M. Callahan
Town Clerk