



TOWN OF ARLINGTON  
REDEVELOPMENT BOARD

Application for Special Permit In Accordance with Environmental Design  
Review Procedures (Section 11.06 of the Zoning Bylaw)

Docket No. \_\_\_\_\_

1. Property Address \_\_\_\_\_  
Name of Record Owner(s) \_\_\_\_\_ Phone \_\_\_\_\_  
Address of Owner \_\_\_\_\_,  
Street City, State, Zip

2. Name of Applicant(s) (if different than above) \_\_\_\_\_  
Address \_\_\_\_\_ Phone \_\_\_\_\_  
Status Relative to Property (occupant, purchaser, etc.) \_\_\_\_\_

3. Location of Property \_\_\_\_\_  
Assessor's Block Plan, Block, Lot No.

4. Deed recorded in the Registry of deeds, Book \_\_\_\_\_, Page \_\_\_\_\_;  
-or- registered in Land Registration Office, Cert. No. \_\_\_\_\_, in Book \_\_\_\_\_, Page \_\_\_\_\_.

5. Present Use of Property (include # of dwelling units, if any) \_\_\_\_\_  
\_\_\_\_\_

6. Proposed Use of Property (include # of dwelling units, if any) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Permit applied for in accordance with \_\_\_\_\_  
the following Zoning Bylaw section(s) \_\_\_\_\_  
\_\_\_\_\_ section(s) \_\_\_\_\_ title(s)  
\_\_\_\_\_

8. Please attach a statement that describes your project and provide any additional information that may aid the ARB in understanding the permits you request. Include any reasons that you feel you should be granted the requested permission.

(In the statement below, strike out the words that do not apply)

The applicant states that \_\_\_\_\_ is the owner -or- occupant -or- purchaser under agreement of the property in Arlington located at \_\_\_\_\_ which is the subject of this application; and that unfavorable action -or- no unfavorable action has been taken by the Zoning Board of Appeals on a similar application regarding this property within the last two years. The applicant expressly agrees to comply with any and all conditions and qualifications imposed upon this permission, either by the Zoning Bylaw or by the Redevelopment Board, should the permit be granted.

\_\_\_\_\_  
Signature of Applicant(s)

\_\_\_\_\_  
Address Phone 7/08



Town of Arlington Redevelopment Board  
 Application for Special Permit in accordance with  
 Environmental Design Review (Section 11.06)

Required Submittals Checklist

File each in triplicate except for model  
 References are to Arlington Zoning Bylaw

- \_\_\_ Dimensional and Parking Information Form
- \_\_\_ Site plan of proposal (Section 10.11(c))
- \_\_\_ Model, if required (Section 11.06(d)(1))
- \_\_\_ Drawing of existing conditions (Section 11.06(d)(3))
- \_\_\_ Drawing of proposed structure (Section (d)(3))
- \_\_\_ Proposed landscaping. May be incorporated into site plan (Section 11.06(d)(3))
- \_\_\_ Photographs (Section 11.06(d)(4))
- \_\_\_ Impact statement (Section 11.06(d)(6))
- \_\_\_ Application and plans for sign permits (Section 11.06(d)(6))

FOR OFFICE USE ONLY

- \_\_\_ Special Permit Granted Date: \_\_\_\_\_
- \_\_\_ Received evidence of filing with Registry of Deeds Date: \_\_\_\_\_
- \_\_\_ Notified Building Inspector of Special Permit filing Date: \_\_\_\_\_

TOWN OF ARLINGTON  
REDEVELOPMENT BOARD

Petition for Special Permit under Environmental Design Review (see Section 11.06 of the  
Arlington Zoning Bylaw for Applicability)

For projects subject to Environmental Design Review, (see section 11.06(b)), please submit a statement that completely describes your proposal, and addresses each of the following standards.

1. **Preservation of Landscape.** The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.
2. **Relation of Buildings to Environment.** Proposed development shall be related harmoniously to the terrain and to the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed buildings. The Arlington Redevelopment Board may require a modification in massing so as to reduce the effect of shadows on abutting property in an R0, R1 or R2 district or on public open space.
3. **Open Space.** All open space (landscaped and usable) shall be so designed as to add to the visual amenities of the vicinity by maximizing its visibility for persons passing the site or overlooking it from nearby properties. The location and configuration of usable open space shall be so designed as to encourage social interaction, maximize its utility, and facilitate maintenance.
4. **Circulation.** With respect to vehicular, pedestrian and bicycle circulation, including entrances, ramps, walkways, drives, and parking, special attention shall be given to location and number of access points to the public streets (especially in relation to existing traffic controls and mass transit facilities), width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, access to community facilities, and arrangement of vehicle parking and bicycle parking areas, including bicycle parking spaces required by Section 8.13 that are safe and convenient and, insofar as practicable, do not detract from the use and enjoyment of proposed buildings and structures and the neighboring properties.
5. **Surface Water Drainage.** Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Available Best Management Practices for the site should be employed, and include site planning to minimize impervious surface and reduce clearing and re-grading. Best Management Practices may include erosion control and storm water treatment by means of swales, filters, plantings, roof gardens, native vegetation, and leaching catch basins. Storm water should be treated at least minimally on the development site; that which cannot be handled on site shall be removed from all roofs, canopies, paved and pooling areas and carried away in an underground drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic, and will not create puddles in the paved areas.

In accordance with Section 10.11, b, the Board may require from any applicant, after consultation with the Director of Public Works, security satisfactory to the Board to insure the maintenance of all storm water facilities such as catch basins, leaching catch basins, detention basins, swales, etc. within the site. The Board may use funds provided by such security to conduct maintenance that the applicant fails to do. The Board may adjust in its sole discretion the amount and type of financial security such that it is satisfied that the amount is sufficient to provide for the future maintenance needs.

6. **Utility Service.** Electric, telephone, cable TV and other such lines and equipment shall be underground. The proposed method of sanitary sewage disposal and solid waste disposal from all buildings shall be indicated.
7. **Advertising Features.** The size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall not detract from the use and enjoyment of proposed buildings and structures and the surrounding properties.

8. **Special Features.** Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.
9. **Safety.** With respect to personal safety, all open and enclosed spaces shall be designed to facilitate building evacuation and maximize accessibility by fire, police, and other emergency personnel and equipment. Insofar as practicable, all exterior spaces and interior public and semi-public spaces shall be so designed as to minimize the fear and probability of personal harm or injury by increasing the potential surveillance by neighboring residents and passersby of any accident or attempted criminal act.
10. **Heritage.** With respect to Arlington's heritage, removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.
11. **Microclimate.** With respect to the localized climatic characteristics of a given area, any development which proposes new structures, new hard-surface ground coverage, or the installation of machinery which emits heat, vapor, or fumes, shall endeavor to minimize, insofar as practicable, any adverse impact on light, air, and water resources, or on noise and temperature levels of the immediate environment.
12. **Sustainable Building and Site Design.** Projects are encouraged to incorporate best practices related to sustainable sites, water efficiency, energy and atmosphere, materials and resources, and indoor environmental quality. Applicants must submit a current Green Building Council Leadership in Energy and Environmental Design (LEED) checklist, appropriate to the type of development, annotated with narrative description that indicates how the LEED performance objectives will be incorporated into the project.  
[LEED checklists can be found at <http://www.usgbc.org/DisplayPage.aspx?CMSPageID=220b> ]

In addition, projects subject to Environmental Design Review must address and meet the following Special Permit Criteria:

1. The use requested is listed in the Table of Use Regulations as a special permit in the district for which application is made or is so designated elsewhere in this Bylaw.
2. The requested use is essential or desirable to the public convenience or welfare.
3. The requested use will not create undue traffic congestion, or unduly impair pedestrian safety.
4. The requested use will not overload any public water, drainage or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety or the general welfare.
5. Any special regulations for the use, set forth in Article 11, are fulfilled.
6. The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health, morals, or welfare.
7. The requested use will not, by its addition to a neighborhood, cause an excess of that particular use that could be detrimental to the character of said neighborhood.

**TOWN OF ARLINGTON**  
 Dimensional and Parking Information  
 for Application to  
 The Arlington Redevelopment Board

Docket No. \_\_\_\_\_

Property Location \_\_\_\_\_

Zoning District \_\_\_\_\_

Owner: \_\_\_\_\_

Address: \_\_\_\_\_

Present Use/Occupancy: No. of Dwelling Units: \_\_\_\_\_

Uses and their gross square feet: \_\_\_\_\_

Proposed Use/Occupancy: No. of Dwelling Units: \_\_\_\_\_

Uses and their gross square feet: \_\_\_\_\_

	Present Conditions	Proposed Conditions	Min. or Max. Required by Zoning for Proposed Use
Lot Size			min.
Frontage			min.
Floor Area Ratio			max.
Lot Coverage (%) (where applicable)			max.
Lot Area per Dwelling Unit (square feet)			min.
Front Yard Depth (Ft.)			min.
Side Yard Width (Ft.) right side			min.
left side			min.
Rear Yard Depth (Ft.)			min.
Height			min.
Stories			stories
Feet			feet
Open Space (% of G.F.A.)			min.
Landscaped (s.f.)			(s.f.)
Usable (s.f.)			(s.f.)
Parking Spaces (No.)			min.
Parking Area Setbacks (Ft.) (where applicable)			min.
Loading Spaces (No.)			min.
Type of Construction			
Distance to Nearest Building			min.



## ARLINGTON REDEVELOPMENT BOARD

TOWN HALL ARLINGTON, MASSACHUSETTS 02476

TELEPHONE 781-316-3090

### **Regulations for Environmental Design Review**

1. **Authority:** The following regulations are adopted by the Arlington Redevelopment Board under the authority of, and in compliance with, Massachusetts General Laws, Chapter 40A, Section 9, as amended.
2. **Effective Date:** These regulations shall become effective upon the filing thereof with the Town Clerk for the Town of Arlington.
3. **Effect of Regulations:** It is intended that Massachusetts General Laws and the Zoning Bylaws of the Town of Arlington shall govern in all respects regarding these regulations. If there is any conflict between these regulations and Massachusetts General Laws or the Arlington Zoning Bylaw, then the Massachusetts General Laws or the Arlington Zoning Bylaw, as the case may be, shall govern in all such cases.
4. **Filing of Applications :**
  - a. Forms for the filing of applications to this Board are available in the Office of the Department of Planning and Community Development, Town Hall, Arlington, Massachusetts.
  - b. In addition to the application form, each application for a special permit under Environmental Design Review shall include:
    1. Dimensional and Parking Information Sheet
    2. Site Plan (showing graphic scale and north arrow on each drawing) and elevation drawings (with graphic scale) of Proposal per Bylaw Section 10.11-c
    3. Model, when required, per Section 11.06-d.1 (to be submitted at the time of the public hearing)
    4. Drawing of existing conditions per Section 11.0-6-d.2
    5. Drawing of proposal per Section 11.06-d.3
      - a. Structure
      - b. Landscape (may be incorporated with No. 2)
    6. Photographs per Section 11.06-d.4
    7. Impact Statement per Sections 11.06-d.5 and 11.06-f
    8. Application and plans for sign permits per Sections 11.06-d.6 and 10.05.
    9. Stormwater Management Plan (for stormwater management during construction for projects entailing new construction)

The Board may waive in writing any of the above requirements that it deems unnecessary for a particular proposal. Any additional materials shall be received by the Department of

Planning and Community Development no later than the Wednesday prior to the scheduled meeting at which said materials are to be reviewed.

- c. Applicants shall submit eight copies of all items listed in (b) above , except for the model. Of the eight copies submitted, three copies of drawings of the site plan, existing conditions and landscape plan must be submitted at a minimum scale of 1" = 20'. Three copies of the drawings of structures must be at a minimum scale of 1/16" = 1'. The drawings included in the remaining five copies of the application shall be reduced to fit on 11" x 17" paper. The Board may alter the minimum scale of the drawings in cases where it deems it appropriate.

Upon receipt by the Board, one copy shall be initialed to indicate that the application is complete and the fee is correct. The initialed copy shall be filed by the applicant with the Town Clerk. The Arlington Redevelopment Board shall forward one copy to the Department of Planning and Community Development. The model, if required, shall be delivered to the Department of Planning and Community Development as instructed by the Department.

- d. Any applicant seeking to construct or install wireless communications equipment shall submit with the application a signed opinion from a qualified engineer or other appropriate professional stating that the proposed equipment meets the requirements of the Telecommunications Act of 1996 and of all state and federal regulations relating to potential health hazards from wireless telecommunications equipment.
- e. Any applicant seeking to construct or install wireless communications equipment shall submit with the application an itemized list of the equipment making up this facility and its estimated cost.

#### 5. Fees:

- a. New Construction. The filing fee for any new construction proposed shall be \$.20 per square foot of such proposed construction.
- b. Minimum Fee. There shall be a minimum fee for any application in the amount of \$200.00.
- c. Payment. The filing fee must be submitted at the time of the filing of the application with the Town Clerk.
- d. Consultant Fees. The Board is authorized to require the applicant to pay for the reasonable costs and expenses borne by the Board for specific expert engineering and other consultant services deemed necessary by the Board to come to a final decision on the application. The Board may require the payment of these consultant fees at any time in its deliberation or after making a decision. Failure by the applicant to pay these consultant fees within twenty one business days of the request for payment shall be cause for the Board to deny the issuance of the permit or other requested action.

**6. Design Review Report:** At the time of filing with the Board, a copy of the application shall be submitted to the Department of Planning and Community Development. The Department of

Planning and Community Development shall then evaluate the application in accordance with the standards of Section 11.06(f) and the general conditions of Section 10.11(a) of the Zoning Bylaw. Based on the evaluation, the Department shall prepare written findings and recommendations and forward them to the Board as the Department's design review report as required by 11.06(e) of the Bylaw.

**7. Publication of Notice:** The Board shall fix a reasonable time for the hearing of the application and shall cause the time and place of such hearing together with all information required by law to be published in accordance with Chapter 40A, Section 11, of the Massachusetts General Laws.

**8. Mailing of Notice:** The Board shall send notice by mail, in accordance with Massachusetts General Laws, Chapter 40A, Section 11, to the applicant and to other parties in interest as they appear on the most recent Arlington tax list, and to the Inspector of Buildings, Town Engineer, Department of Public Works, and if applicable in the Board's discretion, the Conservation Commission, the Open Space Committee, Historic District Commission, and the Historical Commission.

**9. Meetings of the Board:** Meetings of the Board shall be held at the call of the Chairman and, in the absence or refusal of the Chairman, by the Vice-Chairman of the Board.

**10. Conduct of Hearings:** The Chairman or Vice-Chairman shall conduct the order of all hearings and shall have the right to limit any speaker before the Board to a period of ten minutes in time and to information relevant to the subject of the hearing. Minutes shall be kept of each hearing.

**11. Compliance with Laws:** The Board shall follow all applicable provisions as set forth by Chapters 39 and 40A, Massachusetts General Laws, and the Arlington Zoning Bylaw.

**12. Rendition of Decision:** The Board may issue, extend, modify, or renew a special permit after finding that all seven conditions of Section 10.11(a) and all standards in Section 11.06,f of the Arlington Zoning Bylaw are fulfilled. An affirmative vote of four out of five members of the Board shall be required to approve a special permit. When issuing a special permit, the Board may impose conditions, safeguards, and limitations of time or use on the permit. Deliberations of the Board regarding decisions on permits shall be recorded in writing. Decisions on permits and conditions thereon shall be recorded in writing and filed with the Town Clerk within fourteen (14) days of the decision. To be effective, a decision must be signed by all Board members in attendance and voting on the application.

The Board shall not decide on special permits until it receives the design review report from the Department of Planning and Community Development, or until thirty (30) days have elapsed from the application filing date, whichever occurs sooner. In any case, the failure of the Board to take final action on an application within ninety (90) days of the public hearing shall constitute approval of the permit applied for. Upon the Board's approval of an application, it shall mail to the applicant, property owner, parties in interest, and anyone else who leaves his or her name and address for that specific purpose at the public hearing, copies of the decision. Copies of the decision, sent to the applicant and to the owner shall be certified by the Board Secretary ex officio and shall comply with Section 11 of Chapter 40A.

**13. Filing with Registry:** No special permit shall take effect until a copy of the decision has been filed with the Middlesex County Registry of Deeds by the applicant in accordance with Section 11 of Chapter 40A. The fee for recording or registering shall be paid by the owner or applicant and evidence of the recording shall be provided to the Board.

**14. Reconsideration of Unfavorable Decision:** No application for a special permit before the Arlington Redevelopment Board with respect to a particular parcel of land or building thereon which has been unfavorably acted upon by that Board shall be considered on its merits within two (2) years of the final unfavorable action except with the consent of four out of five members of the Redevelopment Board in its capacity as the Planning Board for the Town of Arlington. In accordance with Section 16 of Chapter 40A, the Board shall consent to reconsideration only after it finds that there are specific and material changes in the conditions upon which the previous unfavorable action was based, and describes such changes in the record of its proceedings.

**15. Withdrawal of Application:** An applicant may withdraw his or her application without prejudice prior to the publication of the notice of a public hearing thereon, but thereafter it may be withdrawn without prejudice only with the approval of four members of the Board. Withdrawal will not entitle an applicant petitioner to a refund of the filing fees paid hereunder. An applicant who withdraws his or her application shall be entitled to file a new application upon compliance with the requirements herein, including the payment of fees in accordance with the fee schedule then in effect. If an application is withdrawn and then re-filed, the filing date which establishes the 65 day period in MGL Chapter 40A, Section 9, within which the public hearing must be commenced, shall be the latest filing date.

**16. Failure to Appear:** Should the applicant or his or her representatives unreasonably fail to appear at the scheduled hearing, then the Board shall consider his or her failure to appear as a withdrawal of his or her application. Such failure to appear will not entitle the petitioner to a refund of the filing fees paid hereunder. An applicant who fails to appear shall be entitled to file a new application upon compliance with the requirements herein, including the payment of fees in accordance with the fee schedule then in effect.

**17. Amendment of these Rules and Regulations:** The Board may, from time to time, amend the regulations promulgated herein including amendment of the schedule of filing fees, by filing a written copy with the said Town Clerk.

**18.** The Board may, by a majority vote of the members present and voting, waive any of these rules and regulations.

Adopted by:

ARLINGTON REDEVELOPMENT BOARD

July 12, 1976

Amended - November 22, 1976

Amended - May 20, 1985

Amended - January 26, 1998

Amended - February 14, 2005

Amended – June 1, 2009