



Article: 40

Warrant Article Title:

ZONING BYLAW AMENDMENT / ZONING MAP CHANGE REQUIREMENTS

Warrant Article Text:

To see if the Town will vote to amend Section 1.5, Amendment, of the Zoning Bylaw, to revise the requirement in the second sentence of the section so that copies of the petition must be sent by first class mail, postage prepaid, rather than by registered or certified mail, for zoning map changes; or take any action related thereto.

Requested By:

the Redevelopment Board

Report Excerpt:

The Board recommends Favorable Action (5-0).

The purpose of Article 40 is to eliminate a potential barrier or undue financial burden to citizen petitioners filing a warrant article to propose a zoning map amendment. Zoning Bylaw Section 1.5, Amendment of the Zoning Bylaw, states that a petition for a change to the zoning map must include proof that notification has been sent to all owners and immediate abutters of the subject properties via registered or certified mail. This notification requirement is unique to the Town of Arlington; Massachusetts General Law does not require any sort of notification at the time of filing a warrant article, only notification of warrant article public hearings.

Research conducted by staff indicates that Registered and Certified Mail are significantly more expensive than traditional first-class mail, which is the standard notification method for public hearings. Registered Mail is typically used for sending valuables and starts at about \$15 per piece of mail, while Certified Mail costs approximately \$5.30 per piece of mail, in addition to postage and other fees, while first-class mail costs \$0.78 for a traditional letter. In addition to being more costly, the delivery time can be much slower due to the extra processing time required.

A proposed zoning map change applying to a large number of properties can be both cost- and time-prohibitive for citizen petitioners without necessarily resulting in a more accurate notification process to abutters. Article 40 proposes to maintain the notification requirement to owners and immediate abutters, but to amend the language to only require the use of first-class mail, significantly reducing the cost and time burden on a citizen petitioner.

Members of the Board discussed the importance of this change to ensure citizen petitioners are not deterred from submitting zoning map amendments because of the cost of notification. Another Board member explained there have been past amendments/proposals to change the use tables in the Zoning Bylaw that might have been more appropriate as map changes, if that were a financially feasible option. Notification via mail will still be required at the time a warrant article to amend the zoning map is filed, but the cost burden will be reduced.

Vote Language:

That the Zoning Bylaw be and hereby is amended as follows:

Amend SECTION 1.5, Amendment of the Zoning Bylaw, as follows:

1.5 AMENDMENT

This Bylaw may from time to time be changed by amendment, addition, or repeal by the Town Meeting in the manner provided for in M.G.L. c. 40A, § 5. When a petition for a change in the zoning map is filed, such petition shall show that copies of the petition have been sent by ~~registered or certified mail~~ first-class mail, postage prepaid, to all owners and immediate abutters of the land referred to in the petition. The Department of Planning and Community Development shall provide advance notice of the Redevelopment Board public hearing on the petition by first class mail, postage prepaid, to the petitioner, the owners of the land, abutters of the land, owners of land directly opposite on any public or private street or way, and abutters to the abutters within three hundred feet of the property line of the owners as they appear on the most recent applicable tax list.

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