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Commentary · Views (opinion)

# Commentary: Article 53 seeks to preserve the intent of MBTA Act overlay ‘Bonus Rule for Commercial Use’

March 17, 2026

by

[YA Guest Opinion](#)

**By Joanne Cullinane and Larry Slotnick**

As Town Meeting Members, we closely followed debates and public engagement sessions as Arlington was crafting its MBTA Act overlay in 2022-23. At that time, Arlington created a zone where multi-family housing (3+ units) may be built “as of right,” and created relaxed dimensional rules for that housing.

We have attended recent Redevelopment Board meetings where the first projects seeking bonus floor awards in the overlay (28-unit and 14-unit buildings, respectively, where 2- and 3-unit multi-families stand) are under review for compliance. Bonuses were not meant to be discretionary. Yet we see discretion threatening to overtake the process due to a misinterpretation and misapplication of the bylaw.

This is why we submitted Article 53 in the Town Meeting warrant for the 2026 legislative session.

The vast majority of residents who speak at board meetings have expressed anger and dismay as the board floats the idea of reinterpreting the clear and verifiable threshold found in our commercial bonus rule so as to water down (Article 55 addresses the board's idea of watering down the thresholds contained in separate bonuses for extra affordability) the size, and therefore the viability, of the new commercial spaces required to qualify for extra mass and height. Allowing this would abandon the types of desirable commercial spaces we intended to reward and would subvert the 2023 Town Meeting vote.

Bonuses are not required under state law, and few towns have them in their MBTA Act overlays. Bonuses provide additional concessions on top of the generous baseline concessions that already allow developers to build four-story buildings in the Mass. Avenue/Broadway portions of the overlay, i.e., automatic baseline relief, allows for 52-foot-tall buildings with no open space requirements, and no floor-area-ratio minimums or unit maximums. Bonuses on top of such relief should be difficult to obtain and reserved for developers who deliver significant benefits.

Our bonus rules were drafted, circulated, presented to the Redevelopment Board, redrafted, and presented to Town Meeting, with the exact language now found in our bylaw after this came to a vote at Special Town Meeting 2023. The commercial bonus – the most generous – states that a developer may petition for a fifth floor on Broadway – or a fifth and sixth floor on Mass. Avenue – along with a zero setback (i.e., building to the sidewalk) if they set aside “60 percent of the ground floor” at street level for commercial space. Arlington needs substantially

sized commercial spaces for its tax base, and undersized commercial spaces hurt neighborhood vitality by sitting empty.

The bonus rule language Town Meeting voted on in 2023 is clear. It fosters predictability, proportionality, and accountability. As a straightforward description of the building's footprint, it requires that the ratio of commercial space grow in direct proportion to the building's footprint. Yet a few individuals are now invoking Gross Floor Area. GFA never refers to the ground floor and is never mentioned in our bonus rules.

This GFA misreading – on which the board is not in agreement – would allow developers to exclude whatever amount of the ground floor they desire for other uses first, before calculating the commercial space required for a bonus. It literally turns commercial space into an afterthought. It also creates a rule with no lower limit for how little of a space can be used to justify a massive bonus. Such a bonus is a freebie and not what Town Meeting voted for.

A novel GFA misreading promoted by a few at this late stage would create a process that is unpredictable and unverifiable – things the MBTA Act was meant to rectify and which are incompatible with As of Right zoning. Nor would simply slapping a minimum threshold on a misinterpretation that invokes GFA retain the proportionality and accountability contained in our current law. An untethered minimum would be open to serious misuse. A minimum size constraint should be added only if the building footprint rule is upheld first.

The GFA misreading would set an erroneous precedent based upon a misinterpretation. If unchecked, it would reshape every MBTA Act overlay project on Mass. Avenue and Broadway, from East Arlington to the Heights. New

calculations should not be substituted to allow bonuses in every building, under conditions never incorporated into our bylaw language after a period of public input involving thousands of people.

Please support Article 53, which preserves the definition of “60 percent of the ground floor” baked into our commercial bonus rule. It does so by adding clarifying language from the state’s building code. Article 53 preserves clarity, proportionality, and accountability, and yields a mix of purely residential buildings and some that include the properly sized commercial spaces we asked for under our bonus rules. If the process is to be respected, we must preserve our bonus rules, as written, debated, and passed by Town Meeting.

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*This commentary was published on March 18, 2026. Joanne Cullinane is a Town Meeting member from Precinct 21, and Larry Slotnick is a Town Meeting member from Precinct 7, and they submitted Article 53 for this year’s Town Meeting session. Slotnick formerly served on YourArlington’s board of directors. Town Meeting is slated to have its opening session on Monday, April 27.*