

Frequently Asked Questions

Warrant Article 53

Arlington Town Meeting 2026

By Eugene B. Benson, Precinct 10 Town Meeting Member

Arlington Redevelopment Board Member February 2017-February 2026

Q: I understand that Article 53 is about the town's MBTA Communities zoning and commercial space, but what about it generated this warrant article and so much controversy?

A: When the town adopted MBTA Communities (MBTA-C) zoning, it created overlay districts. In those districts, owners could use either the current (underlying) zoning or the new MBTA-C zoning (the overlay) when building or rebuilding.

The overlay was placed only on residential zoned parcels where the Redevelopment Board (ARB) thought more residential development would be consistent with state law and the needs of the town and neighborhoods.¹ In keeping with the buildings in those areas, the buildings that could be constructed were limited to three stories high on side streets and four stories high on Mass. Ave. and Broadway. They each required a 15 foot front yard setback from the sidewalk, to be used for green space, consistent with residential properties.²

The MBTA-C zoning also allows one extra story of height on Broadway and two extra stories of height on Mass. Ave. if certain conditions are met. One of those conditions is that the ground floor at street level would be at least 60 percent occupied by eating and drinking establishments, business services, childcare, or retail uses. The buildings could also be constructed up to the sidewalk, rather than with a 15 foot setback, which is common for commercial use.

The term, "ground floor at street level" is not defined by the zoning bylaw. When a MBTA-C project came to the ARB for review, three members chose to define only those areas enclosed by walls as the ground floor at street level -- so that a parking area on the ground floor that was not fully enclosed by walls and a garage door (known as platform parking), underneath the second floor of the building, would not count toward the denominator in determining the 60%. Two members, Rachel Zsemberry and I, believed that a parking area on the ground floor at street level underneath the second floor should count toward the denominator in determining the commercial 60%, whether the parking area was fully enclosed or open on some sides.

This warrant article, and the two substitute motions, are about defining the term, "the ground floor at street level," and whether a platform parking area is part of ground floor at street level. There are strongly held ideas about how to define ground floor at street level and what will result from the definition that is chosen.

The rendering on the next page is an example of platform parking as initially proposed for 259 Broadway.

¹ The MBTA-C overlay was not placed on business zoned parcels so that those properties could continue to be commercial and over time redeveloped as better commercial properties.

² In a few circumstances, when the front yard setbacks on the block were less than 15 feet, the new setbacks could be the same as the other setbacks.



The open area at street level under the building's second floor, with part of a white car showing, is the platform parking area.

Q: Why is it necessary to define the term, "ground floor at street level?"

A: When 3 of the 5 members of the ARB decided to interpret the term, "ground floor at street level" to exclude platform parking areas, a dilemma was created because as developers devote more space to platform parking, the 60 % area of the ground floor reserved for commercial development decreases in size because the platform parking area is not counted in determining the 60%. Because MBTA Communities zoning, as required by state law, is as-of-right development, a developer cannot be required legally to have more than 60 % of the ground floor at street level be commercial, no matter the size of the commercial space and no matter how much the platform parking area would reduce that size if it were not counted as part of the ground floor at street level.³ Also, defined terms lead to more certainty and less controversy about decisions based on those terms.

Q: How important is that really?

A: This interpretation is important for what is built, whether the building can have commercial space, the size of the commercial space, whether the building gets the bonus floor or floors, and

³ If this were special permit review, the ARB would have the power to condition approval on a minimum commercial size -- but with site plan review it cannot legally do so.

no front yard setback. Historically, form follows zoning. Meaning that zoning often determines the size and shape of what gets built. Also, defining the term creates more certainty, reduces the potential jeopardy to the town from litigation over an undefined term and appeals of ARB and building permit decisions, and helps the credibility of ARB decisions.

If we allow platform parking areas to not be counted as the denominator in determining the 60% commercial space threshold, we can expect more platform parking, regardless of the size of the parcel, even if there could be an enclosed garage on the ground floor or all parking outside the structure. That gives a developer more flexibility for the ground floor and potentially a larger building but will result in smaller commercial spaces.⁴ There are also cost savings in not enclosing a parking area.

Q: Where did we get the 60% commercial requirement?

A: From the consultant who worked with the MBTA Communities Working Group and the ARB. During public comments when the ARB was considering what to recommend to Town Meeting for MBTA-C zoning, the Arlington Chamber of Commerce had asked that 80% of the ground floor at street level be commercial. The consultant advised that 80% was unrealistic, but 60% of the building footprint⁵ would work so that the remaining part of the ground floor would be available for non-commercial uses, such as the entrance lobby, elevator, and the like for the residences above. This was not intended to be an easy number to achieve, and some parcels simply would be too small to accommodate businesses. Those would be built as purely residential.

Q: Some people are saying there will be no new commercial spaces if the warrant article passes. Is that correct?

A: No. That is incorrect. If the warrant article passes, it does not mean there will be no new commercial spaces in town. First, some parcels in the overlay district will be large enough, or can be combined, to have good commercial spaces in the new buildings at 60% or 50% of footprint. Second, the Town has numerous business zoned parcels that can be redeveloped and improved along Broadway and Mass. Ave. with new commercial spaces.

Q: Some people are saying we should be satisfied with small commercial spaces in these new buildings. Is that correct?

A: No. As the Arlington Chamber of Commerce explains in its letter of May 6, 2026, advocating for Article 53, the smaller the commercial space the harder it is to attract businesses we want. The Chamber wants commercial spaces sized to be commercially viable. This is not only about housing and new commercial spaces; it is about right-sizing the new commercial spaces. If Article 53 passes, we will get larger commercial spaces and fewer small empty commercial spaces. That can bring a greater variety of businesses to town and add more jobs, shopping, and dining opportunities, all adding to our commercial tax base. Small vacant commercial spaces in

⁴ See Appendix A at the end of this FAQ for an example.

⁵ A building footprint represents the horizontal area of a structure projected onto the ground. It is essentially the shape you would see if you looked straight down at a building from above, outlining the outermost perimeter of the building at ground level. See, e.g., <https://engineerfix.com/what-is-a-building-footprint-and-how-is-it-measured/>

town currently exist that can accommodate new businesses that require small spaces. As the Chamber emphasized, what the town needs is larger commercial spaces.

Q: Some people are saying that new housing will not get built in the MBTA-C districts if the warrant article passes. Is that correct?

A: No. If the warrant article passes, new housing will get built to appropriate scale on smaller parcels, with green space in front, in the MBTA-C districts. New housing without commercial spaces has been built and is being built in the MBTA-C districts and will be built on parcels on Broadway and Mass. Ave., as expected. That is what the MBTA-C law is about. We will also get buildings with housing and a ground floor commercial space on larger parcels where it will fit. Our MBTA-C zoning is too new to know what the mix of buildings will be, but in the short time it has been in place we can be assured that there will be a mix.

Q: Why didn't the Redevelopment Board file a warrant article on this issue?

A: When I was on the ARB, I asked my colleagues to file a warrant article to clear up the ambiguity about how to interpret ground floor at street level. We could not reach agreement on how to do so, in part because my suggested compromise would have required commercial space of at least 1,750 square feet to obtain the bonus, and larger commercial space in very large buildings.

Q: What is the difference between the Cullinane substitute motion and the Macaluso substitute motion with the Benson amendment?

A: Both substitute motions would resolve the issue of what "ground floor at street level" means and both assure that platform parking size does not result in small commercial spaces. They get there in slightly different ways. The Cullinane substitute motion defines "ground floor at street level" as essentially the footprint of the building. It relies on the statement made by the town consultant and on how Rachel Zsemberry and I believe the term should be interpreted. The Macaluso substitute motion, with the Benson amendment, on the other hand, would define "ground floor at street level" to mean gross floor area at street level, the enclosed space, as the ARB majority has interpreted the term. It would also require that the commercial space be at least 50% of the footprint of the building, thereby placing a slightly lower limit than the Cullinane substitute motion to provide some extra opportunity for commercial spaces in buildings with platform parking. One might see the Macaluso substitute motion as a worthy compromise between the Cullinane substitute motion and the troublesome status quo.

Q: How do you intend to vote?

A: I enthusiastically support the MBTA-C zoning that the ARB recommended when I was on the ARB and that Town Meeting approved. I also enthusiastically support the commercial bonus that was part of that recommendation and approval. The commercial bonus is not required by state law; it is an option that can result in good mixed-use buildings. If done right, I believe the commercial bonus will benefit the town and the neighborhoods on and near Mass. Ave. and Broadway.

I favor the Cullinane substitute motion because it reflects what the town's MBTA-C consultant recommended and I think it will work. I also favor the Macaluso substitute motion with my

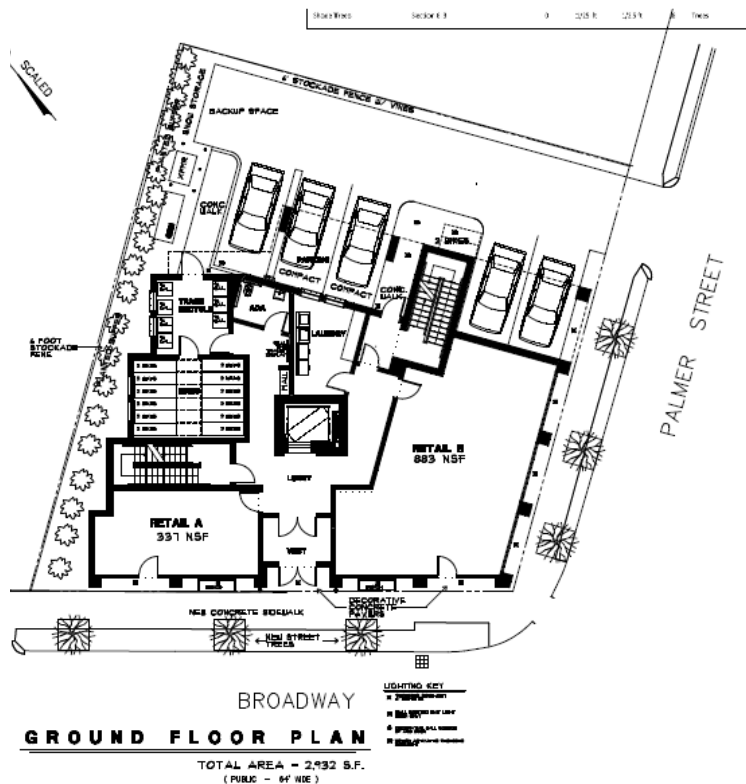
amendment because it also sets a realistic guardrail for the commercial percentage of the building footprint. I think that is needed to help ensure reasonably sized commercial spaces are created and to make sure developers can't game the system based on the ARB majority view of how to interpret ground floor at street level.⁶

I strongly believe we should fix this at this Town Meeting. I think it would be a mistake to vote no on both substitute motions, effectively a vote of no action. I also think it would be a mistake to vote yes on a motion to commit if such motion is made. Both those options do what we sometimes criticize the state and federal legislatures of doing – kicking the can down the road. If we don't fix this now, it will return to another Town Meeting. Before then the town will have an undefined term that is subject to different interpretations dictating the height and scale of buildings and the size of commercial spaces in the MBTA-C districts on Mass. Ave. and Broadway. We can do better than that.

Thank you for asking!

APPENDIX A

Proposed ground floor of 259 Broadway, with two commercial spaces, one of 337 square feet and one of 883 square feet. The platform parking area was not counted in determining the required 60% commercial area at ground floor at street level. The developer withdrew this application.



⁶I understand that Remy Macaluso supports the Benson amendment. Also, the newest member of the ARB, Vincent Baudoin, supports the Macaluso substitute motion with the Benson amendment.