



Town of Arlington Zoning Board of Appeals

Meeting Minutes
Tuesday, July 12 , 2016
7:45 PM

Present: Pamela Heidell, Chair , Roger DuPont, Walter Fey, Christian Klein, and Suzanne Spinney
Also Present: Patrick Quinn and Joseph Moen

1. Docket #3506 21 Silk Street

The Petitioner, Kira Stiles-Mikl applied for a Special Permit under Section 9.02, (Extension and Alteration), of the Zoning Bylaw for the Town of Arlington, seeking permission to construct a dormer on a two family dwelling located on 21 Silk Street. The property is located in an R-2 zoning district and the lot upon which the building is located is 4,531 square feet. Alison Schoenfield and Kira Stiles Milki appeared before the Board with their attorney Robert Annese and structural engineer, Richard Testa. Mr. Annese stated that the existing structure was built in 1928 and the lot is non-conforming with respect to both lot size and frontage. The structure consists of two condominium units, and the applicant wishes to add the dormers to accommodate additional bedrooms for a growing family. The revised dimensions of the third floor include 611 square feet of floor area that is more than 7'3": 611 square feet represents 49% of the floor area below. Pictures of nearby structures were presented, indicating that the proposed structure is of similar scale as neighboring properties. Attorney Annese further noted that the renovation had been discussed with the other condo unit owner and plans were also shared with neighbors, with none voicing any objections. The existing usable open space on the property is zero square feet, as there is no open space area on the property that is at least 25 feet by 25 feet. Pursuant to the Zoning Bylaw, open space must be free of automotive traffic and parking and shall be deemed usable only if (1) at least 75 percent of the area has a grade of less than 8 percent and (2) no horizontal dimension is less than 25 feet. Therefore, under existing conditions, the structure is non-conforming with regard to the Usable Open Space and would remain zero with the proposed dormer, not increasing the open space non-conformity. The Board discussed the Plans submitted, and noted the absence of a second floor plan. The Board also noted that the worksheet contained several inaccuracies and needed to be corrected for a complete and accurate record of the application. The Board also expressed concern that the building height was extremely close to the 35'

height limit in the Zoning bylaw. At the close of the hearing the board unanimously approved their request for a special permit with special conditions.

SO VOTED: 5-0

2. Docket #3507 5 Summer Street Place

The Petitioners, Greg and Ellen Bauer applied for a Special Permit under Section 6.08 (Large Additions in Residential Districts), of the Zoning Bylaw for the Town of Arlington, seeking permission to construct a two-story addition to a family dwelling located at 5 Summer Street Place that would accommodate a two car garage, mudroom, a master bedroom and bath, study, and new entry way. The property is located in an R-1 zoning district and the lot upon which the building is located is 16,060 square feet. Ellen Bauer the Petitioner appeared before the Board, accompanied by her attorney Joseph Fahey, her architect Carl Oldenberg, and her contractor Thomas Reedy. They noted that the existing structure was a small modest home and that there was a vast amount of space in the left side yard where the addition was proposed, as well as a large rear yard. It was noted that the Bauers had three children and a larger home was desired. The Applicant's team also noted that Inspectional Services preliminarily reviewed the proposed addition and suggested that the driveway be modified, which was a readily accepted suggestion now reflected in the submitted drawings. The Plans submitted indicated that the existing front yard depth is non-conforming at 17' 3" and would remain 17'3', but the new addition would be set back more than 29' from the front lot line; the existing left side yard width is 65.9 feet and would become 26.1 feet and would remain conforming; the existing right side yard width is conforming at 10 feet and would remain 10 feet; and existing rear yard depth is conforming at 81.4 feet and would become 79.5 feet. The proposed alterations would increase the existing gross floor area from 3,054 square feet to 5,189 square feet. The large size of the lot results in much usable open space, and usable open space as a percentage of gross floor area would be 129% after the proposed addition, more than ample to meet the Bylaw's requirements. At the close of the hearing the board unanimously approved their request for a special permit

SO VOTED: 5-0

3. Docket #3508 22 Perth Street

The Petitioner Puspa Dhakal applied for a Special Permit under Section 6.08 (Large Additions in Residential Districts) of the Zoning Bylaw for the Town of Arlington, seeking permission to construct a one and one-half story addition to a family dwelling located at 22 Perth Road. The property is located in an R-1 zoning district. According to the application, the lot upon which the building is located is 5,751 square feet; however, the Assessors database indicates the lot size is 6,827 square feet. Petitioner Puspa Dhakal appeared before the Board. She noted that she wished to construct an addition to provide space for both her immediate family and her in-laws: the proposed addition would include a living area, two bedrooms, and two baths as well as a basement. It would be in the approximate location where there is an existing pool and deck. Ms. Dhakal stated she had spoken with her neighbors regarding the addition and they had no issues with the proposed addition. She also indicated that the addition would not

require the removal of any trees and town owned land to the north also provided a buffer. An abutter remarked that in principle, he supported the plans and that any addition would be fairly hidden. The Board indicated that the addition, as proposed in the May 19 plans, would not be in compliance with the usable open space requirements of the by-law, since the 17.7' by 39.5' addition indicated on the Plot Plan would usurp usable open space. It was further noted by the Board that the lot dimensions and the existence of a retaining wall precluded some other areas on the lot from meeting the usable open space requirements of the Zoning Bylaw, which requires that open space must be free of automotive traffic and parking and shall be deemed usable only if (1) at least 75 percent of the area has a grade of less than 8 percent and (2) no horizontal dimension is less than 25 feet. The Board explained the decrease in open space associated with an addition of the size proposed in the area it was proposed would require a Variance and that the criteria for the grant of a Variance are rigorous. It was discussed that a smaller addition that encroached less upon open space could be permitted by Special Permit. Ms. Dhakal and the Board agreed to continue the hearing to August 16, with the understanding that the addition would be redesigned to meet the Usable Open Space requirements of the Bylaw. The continued hearing was subsequently held on August 16, with Ms. Dhakal and Ishwar Khatiwada appearing before the Board. Prior to the continued hearing, the Applicant submitted revised plans prepared by Design by Sami LLC, dated July 22, 2016 including: including: Sheet 1 of 8, Front Elevation; Sheet 2 of 8, Rear Elevation; Sheet 3 of 8, Left Elevation Sheet 4 of 8, Basement Floor Plan; Sheet 5 of 8, First Floor Plan; Sheet 6 of 8, Second Floor Plan; and 8 of 8, Section at Existing Structure, Section at Proposed Addition. An informal Plot Plan was also submitted, which showed the approximate dimensions of the proposed addition. Revised dimensional and parking information was also submitted. The revised submittal reflected a smaller addition so as to preserve usable open space on the property. The Board noted that the revised drawings Sheets 4, 5, and 6 indicated that the width of the addition would be 18 feet, whereas the drawings dated May 19 indicated a lesser width and the Certified Plot Plan had previously indicated that a 17.7 foot addition went up to the 10-foot left side yard setback. Therefore, the Board indicated it was not clear that the revised drawings showing the addition's width dimension of 18 feet met the left side yard setback requirement. It was discussed that further documentation was required to certify that a 10 foot wide left side yard setback would be retained. Regarding other dimensions, the Plans submitted indicated that the existing front yard depth is non-conforming at 15.8 feet and would remain 15.8 feet; the existing right side yard width is conforming at 11.3 feet and would remain 11.3 feet; and existing rear yard depth is conforming and would remain conforming. The proposed alterations would increase the existing gross floor area from 2,006 square feet to 3,367 square feet. At the close of the hearing the board unanimously approved their request for a special permit with special conditions.

SO VOTED: 5-0