



**Town of Arlington  
Zoning Board of Appeals**

Meeting Minutes  
Tuesday, August 16 , 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 #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