



**Town of Arlington  
Zoning Board of Appeals**

Meeting Minutes  
Tuesday, November 15, 2016  
7:45 PM

Present: Patrick Quinn, Chair, Christian Klein, Vice Chair , and Suzanne Spinney  
Also Present: Pamela Heidell and Walter Fey

**1. Docket #3515 Thorndike Place**

The Board stated that the application is "stayed."

**2. Docket #3503 17 Reed Street**

The Petitioners Nicolino Vento, Lisa and Anthony Bonanno, Jr. applied for a Special Permit under Section 6.08 Large Additions in Residential Districts and 9.02(d), of the Zoning Bylaw for the Town of Arlington, seeking permission to construct an addition to their two family residential home. The property is located in an R1 - Single Family District on a 19,060 square foot lot. The requested relief was advertised in the Arlington Advocate for two consecutive weeks and the hearing was held in the Arlington Town Hall Charles Lyons Hearing Room. At the November 15 hearing, Petitioners Nicolino Vento, Lisa and Anthony Bonanno, Jr. and their attorney Robert Annese, appeared before the Board and described the proposal to add a large addition to their 2-family non conforming home that was built in the early 1900's, adding living space on two floors and the basement. The house sits on a very large lot in an R1 zoning district. The applicants believe that the proposed addition will not alter the use of the home, and the resultant alteration may not be substantially more detrimental to the neighborhood than the existing nonconforming structure and is in harmony with the neighborhood. The applicant's representative also addressed that the property has already been in front of the Conservation Commission as the property abuts McClennan Park, and is within the buffer zone of wetland resource areas and is also within Riverfront Area. The Board has some questions regarding the basement and whether or not it is indeed a basement or cellar. Mr. Annese confirmed that it is in fact a basement as the ceiling height does not make requirement for a story, but the board agreed they needed documentation to show basement does not count as a story. There were no plans of existing conditions submitted to the board prior to the meeting so the board had some questions in regards to what exactly they are doing to the property. Mr. Annese confirmed that they are not

tearing down the existing building but renovating the home as well as adding living space. One board member had a question about sections 9.02b in the Zoning Bylaw and if the proposed addition represented an extension of a non-conforming principal use. Attorney Annese responded that Section 9.02d was, in his opinion, more applicable as the proposal was not to expand the use, but instead to change the structure.

At the close of the hearing the board unanimously approved their request for a special permit.

SO VOTED: 4-0

### **3. Docket #3516 255 Massachusetts Avenue**

The Petitioner Mouhab Rizkallah, applied for a "Appeal from the Decision of the Building Inspector" seeking a finding from the board in regards to his property located at 255 Massachusetts Avenue. The requested relief was advertised in the Arlington Advocate for two consecutive weeks and the hearing was held in the Arlington Town Hall Charles Lyons Hearing Room At the November 13 hearing, Petitioner Mouhab Rizkallah appeared before the Board and described his intent to be there. Mr. Rizkallah purchased 255 Massachusetts Avenue as what he thought was a five family home earlier this year. After purchasing the home he went to the building department where he was told it was a legal 2 family home. At the onset of the hearing Mr. Rizhallah read his letter to Inspectional Services where he described why he thinks this property is "at least a 4-unit dwelling" There was some question by the board if anyone had spoke to Doug (Town Council) in regards to this hearing. Patrick stated that he had spoke to him and that the board needed to see evidence prior to 1924, when the Zoning Bylaws for the Town of Arlington first came into effect. Patrick stated that the original building permit for when the house was built in 1910 states that it is a legal 2 family home, and they have no records there after that state it was legally changed to a 4 family. Mr. Rizhallah reiterated that he was not there for a special permit but more for a finding from the board for what this property is. The board stated that they needed compelling evidence prior to 1924 in order to overturn the building inspector which they felt they could not do.

At the close of the Hearing, the Applicant asked that his permit be withdrawn without prejudice, dated November 13, 2016

### **4. Docket #3518 12 Wyman Street**

The Board stated at the onsite of the hearing that this application would be continued to a further date.