

**TOWN OF ARLINGTON**  
**ZONING BOARD OF APPEALS**

**DRAFT**

**Date :** February 25, 2020

**Time:** 7:45 PM

**Location:** Lyons Hearing Room

**Members in Attendance:** Christian Klein RA, Acting Chair, Kevin Mills, Patrick M. Hanlon, Shawn O'Rourke Esq., Roger DuPont Esq.,

**Minutes:**

**Attendance:** Susan McClelland,. Peter Gentile,. Jean Foley,. Mark DiCara,. Chris Rewell,. Todd Hutchinson,. Carol Phipps,. Keith O'Boyle,. David Rinds,. Bruce Camerino,. Gill Bi,. Gerry Buckley,.Jared Glanzberger,. Dianne Strawberry,. Elma Stege,. Chris Walters,. Elizabeth Kostguinn,. Evelyn and Jim O'Rourke,. Carl Elder,. Robert Winilcoates,. Carl Toumayan,. Carter Knight,. Michle DiBlasio,. Nancy Madrid,. Rick Stimple,. Gwen Wong,. Roy Goldstein,. Ara Keagler,. Elena Jakubiak,. Barney Maier,. Chris Bliss,. M. Bugh,. Charlie Radostovick,. Carmine Granucci,. Laurel Kane,. Chris Powers,. Kristin Anderson,. Scott Carpenter,. Christina Parsmi,. John Burkhardt,. Mike Ojasapian,. Genevieve Oba,. Paul Stanton,. Chris Keene.

**Docket # 3617 41 Westminster Avenue .**

Acting Chairman Klein opened the meeting at 7:45 PM. He announced that the meeting was being televised live on local television and was being recorded as well. Representing 41 Westminster Avenue were Alan Simao, Builder, Marth Penzenick, Architect, and John Leone, Attorney for the petitioner. The petitioner was asking for both a Variance and a Special Permit. Because of the topography, they were asking for a Special Permit for front yard parking. Again, because of topography and AHDC suggestions, they were looking for a Variance because they did not meet by definition the "open Space usable" requirement. Opposition was met from the audience as the abutters were very concerned about noise, dust, and scope of the project just to name a few. The meeting was quite long (over 1 hour and 20 minutes) as many scenarios were made both for and against the project. At the end of the meeting the Board voted in favor of both the Special Permit and the Variance. Please see Decision for details.

**SO VOTED: 5-0**

### **Docket #3618 50 Cutter Hill Road**

The applicant, Villandry Construction, was seeking a Special Permit to construct a front porch to their clients house at 50 Cutter Hill Road. Because the porch exceeded 25 square feet in area, a Special Permit would be required under section 5-6 / (5.3.9 A) Projections Into Minimum Yards of the Zoning Bylaw. The owners of the property Elena Jakubiak and Todd Hutchinson presented their case to the Board. They explained that a front porch would allow them to watch their children and serve as a nice addition to the dwelling. There was one neighbor who did not object to the project but wanted more details on how the proposed would look. The Department of Planning and Community Development asked the Board to "consider the impact of this proposal prior to approval". The request seemed minor in nature and the Board voted to approve.

**SO VOTED 5-0**

### **Docket #3619 40 Park Avenue**

The petitioner Accolade Athletics located at 40 Park Avenue, was seeking a Special Permit for use in an Industrial Zone. Accolade Athletics was a Cross Fit studio featuring personal trainers. This request was opposed by the abutting owners of 60 Park Avenue. The challenge as it seems was not the granting of the Special Permit as much as the parking requirements. Carl Toumayan, Attorney for 60 Park Avenue reported to the Board that the proposed business did not meet the parking requirement and in fact had to trespass on their property to gain access to 40 Park Avenue. The Department of Planning and Community Development recommended that the ZBA request a Transportation Demand Management Plan prior to making a decision on this request.

**CONTINUED TO MARCH 24, 2020**

### **Docket #3599 206 Waverly Street**

The applicants Aram Faghfoury and Parisa Mohajery were granted a Special Permit for a Large Addition on June 25, 2019. A building permit was issued and construction commenced. The builder over built the addition as proposed and violated not only the setback but the scope of the Special Permit. The applicant agreed to cut the addition back so it would be within the setback but still needed to amend the conditions of the Special Permit that was approved on June 25, 2019. Even though the request was minor in nature, the Board had to grant a modification due to the change in GFA.

**SO VOTED: 5-0**

### **Docket #3612 1314 Massachusetts Avenue**

This case was first heard on January 28, 2020 and was continued to tonight, February 25, 2020. First House LLC wished to open up a eating / drinking establishment at 1314 Massachusetts Avenue Arlington. The use, although permitted by right, lacked the required number of parking

spaces therefore a variance would be required. This case was contentious to say the least as the proponents maintained that it was just what the area needed to bolster business and to bring "life" back to Arlington Heights. The opponents demanded that there was no place to park as it was and this would just compound that problem. At the January 28, 2020 hearing, the Board recommended that the applicant devise a parking plan prior to the hearing tonight. Several documents were presented that were not presented at the original hearing. The documents that were presented, coerced indifferent members of the Board to vote in favor of the request. Please see Decision of the Board for details.

**SO VOTED: 4-1**

**Minutes from the ZBA Hearings on January 28, 2020**

The Board was asked to accept the minutes of the January 28, 2020 hearings.

**Meeting Minutes January 28, 2020 approved 5-0**