



Town of Arlington
Zoning Board of Appeals
51 Grove Street
Arlington, Massachusetts 02476
781-316-3396
www.arlingtonma.gov

LEGAL NOTICE

Notice is herewith given in accordance with the provisions of Section 3.2.3A of the Zoning Bylaws that there has been filed by **400-402 Mass Avenue LLC** of Arlington, Massachusetts on April 25, 2020 a petition seeking permission to amend the Zoning Board of Appeals Special Permit from April 9, 1980 (**Docket # 2306**) at that property **400-402 Massachusetts Avenue - Block Plan 010.0-0002-0003.A**

See ZBA website for details.

Hearing in regard to the said petition will be remotely conducted via "Zoom" **Tuesday evening June 23, 2020 at 7:30 P.M or as soon thereafter as the petitioner may be heard. Please visit the Town of Arlington website for hearing information.**

DOCKET NO 3624

Zoning Board of Appeals

Christian Klein, RA, Chair

Robert Annese

From: Erin Zwirko <EZwirko@town.arlington.ma.us>
Sent: Tuesday, December 17, 2019 10:45 AM
To: Jenny Raitt; Robert Annese
Subject: Re: 400-402 Mass Ave

Hi Bob,

A five-unit residential building is prohibited in the B1 district. Even if the number of residential units was reduced to 3, which would be allowed, the lot size cannot accommodate the minimum lot area per unit (2,500 sf). Based on our review, the building would need to stay mixed-use, but could be just one office and 4 residential units. It cannot be entirely residential.

If the building remains mixed-use, the concerns relative to parking can likely be handled with the TDM reductions allowed and/or the other reductions available in the Zoning Bylaw. Additionally, if the building remains mixed-use, the usable open space does not become an issue assuming that the proposal does not make it any less non-conforming than it is today.

Let us know if you have any questions.

Thanks,
Erin

Erin Zwirko, AICP, LEED AP
Assistant Director
Department of Planning and Community Development
Town of Arlington
direct: 781-316-3091
ezwirko@town.arlington.ma.us

From: "Jenny Raitt" <JRaitt@town.arlington.ma.us>
To: "Robert Annese" <law@robertannese.com>, "Erin Zwirko" <EZwirko@town.arlington.ma.us>
Date: Mon, 16 Dec 2019 12:55:00 -0500
Subject: Re: 400-402 Mass Ave

Thank you, Bob. Erin and I will review these materials and will be in touch with any questions and to outline next steps.

Best,
Jenny

Jennifer Raitt
Director, Department of Planning and Community Development
Town of Arlington
730 Massachusetts Avenue
Arlington, Massachusetts 02476
781-316-3092

From: "Robert Annese" <law@robertannese.com>
To: "Jennifer Raitt" <JRaitt@town.arlington.ma.us>, "Erin Zwirko" <EZwirko@town.arlington.ma.us>
Date: Mon, 16 Dec 2019 11:04:21 -0500
Subject: 400-402 Mass Ave

Hello Jenny and Erin:

400-402 MASS AVE
Docket # 2306

400 MASS. AVE
C.L.
JD

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS

ZONING BOARD OF APPEALS
ARLINGTON, MASSACHUSETTS

In the Matter of

Frank Pacuito

Petitioner

)
Docket No. 2306

REQUEST FOR PERMIT

Hearing : MAY 25 1980

Decision: APR 9 1980

OPINION OF THE BOARD

Members Present:

F. Leo Fitzpatrick
Harold C. Knight
Robert Welch

OPINION OF THE BOARD

This is an application by Frank Pacuito of Winchester for Special Permit pursuant to Section 5.04 (Use Regulations) Section 8.11 (Municipal Parking Lots) and Section 8.12 (Parking and Loading Space Standards) of the Zoning By-Law for the Town of Arlington. Hearing was held on March 25, 1980 after statutory notice. No one opposed the application. Mr. Pacuito was represented by Atty. Richard Keshian of Arlington.

The Department of Planning & Community Development recommended granting Special Permits.

FINDINGS OF FACT

1. The applicant owns the property located at 400-402 Massachusetts Avenue, Arlington which lies within the B1 Zoning District.
2. Building on the property was damaged by fire in 1978 and applicant plans to renovate for combined office and apartment use.
3. Building will when renovated consist of two-one bedroom apartments on the second floor, two professional offices on the first floor and one professional office in a portion of the basement.

The building has been an eyesore and a blight on the Town for several years since damaged by fire and has become a veritable dumping ground for various types of debris.

The Board feels that conditions for granting a Special Permit have been established by the petition.

DECISION

Accordingly, the Board unanimously votes to grant the Special Permit with certain conditions.

1. No more than two apartments are developed on the site.
2. At least one on-site parking space per dwelling unit is set aside for apartment tenants.
3. Entrance to basement office be from front of building with open stairway leading down from front inside entrance and clearly marked as to how to enter basement office.
4. All basement offices must have outside lighting and mechanical ventilation.

The Board hereby makes a detailed record of all its proceedings relative to this petition; sets forth the reasons for its decisions and its findings; directs that this record be filed in the office of the Town Clerk and shall be a public record and that notice of this decision be made forthwith to each party in interest.

REQUEST FOR SPECIAL PERMIT
TOWN OF ARLINGTON

In the matter of the Application of **400-402 Mass Avenue, LLC** to the Zoning Board of Appeals for the Town of Arlington:

Application for a Special Permit is herewith made, in accordance with Section 10.11 of the Zoning Bylaw for the Town of Arlington, seeking relief from the following specific provisions of the Zoning Bylaw, and as described fully in the attached form, Special Permit Criteria:

Petitioner requests that it be allowed to amend the Special Permit issued by the Zoning Board of Appeals on April 9, 1980, Docket #2306 with respect to the property located at 400-402 Massachusetts Avenue, Arlington which granted a Special Permit to Petitioner following a fire that occurred in 1978 and with respect to Petitioner's plans to renovate the building for combined office and apartment use.

The Decision of the Zoning Board of Appeals in 1980 provided that there be no more than two apartments developed on the site, that there be at least one onsite parking space per dwelling unit to be set aside for apartment tenants and that the entrance to the basement space be from the front of the building with an open stairway leading down from the inside entrance and clearly marked has to how to enter the basement office. All basement offices were to have outside lighting and a canopy for ventilation.

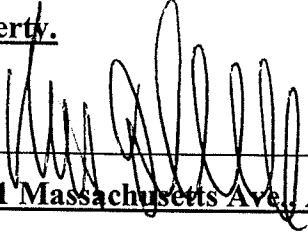
Petitioner now seeks to amend that Special Permit with respect to the Decision limiting the property to two residential apartments and one office use by allowing four residential units and one office unit at the property all in accordance with Petitioner's plans submitted with this Petition.

The Petitioner/Applicant states that it is the owner of the property in Arlington located at **400-402 Massachusetts Avenue** with respect to such relief is sought; that no unfavorable action has been taken by the Zoning Board of Appeals or its predecessors upon a similar petition regarding this property within the two (2) years next immediately prior to the filing hereof. The applicant expressly agrees to full compliance with any and all conditions and qualifications imposed upon this permission, whether by the Zoning Bylaw or by the Zoning Board of Appeals, should the same be granted. The Applicant represents that the grounds for the relief sought are as follows:

The property is located in a B1 Zone and since the date of the prior Special Permit Decision in 1980 the Zoning Bylaw has been amended with a mixed use component so that a mixed use development of the site is now allowed.

Petitioner's building plans are consistent with the intent and purpose of the Amended Zoning Bylaw with respect to a mixed use development at the property with its request for the use of the property to allow four residential units and one office unit. Petitioner states that its plans indicate that the proposed use of the property will be consistent with other property uses in the neighborhood of the property.

E-Mail: law@robertanne.com

Signed: 

Date: March, 2020

Telephone: 781-646-4911

Address: 1171 Massachusetts Ave., Arlington, MA 02476

Special Permit Criteria- The following standards must be addressed and met for the grant of a Special Permit:

1.) Indicate where the use requested is listed in the Table of Use Regulations as a Special Permit in the district for which the application is made or is so designated elsewhere in the Arlington Zoning Bylaw.

The use is authorized in accordance with Section 5-26 Districts and Uses contained in the Zoning Bylaw as a mixed use development.

2.) Describe how the requested use is essential or desirable to the public convenience or welfare.

The conversion of the property to four residential units and one commercial unit will offer more residential living space for individuals particularly so since there is a concerted effort at both the state and the local levels to achieve that result, therefore the conversion of the property as requested would be desirable to the public convenience and welfare.

3.) Describe how the requested use will not create undue traffic congestion, or unduly impair pedestrian safety.

The suggested use will not create undue traffic congestion or unduly impair pedestrian safety as occupants of the residential units will leave the building during the course of the day for their places of employment and there should be no significant impact on traffic to and from the property if the conversion is allowed.

4.) Describe how the requested use will not overload any public water, drainage or sewer system, or any other municipal system to such an extent that the requested use or any developed use in the immediate area or any other area of the Town will be unduly subjected to hazards affecting health, safety or the general welfare.

The requested use will not overload any public water, drainage or sewer system, or any other municipal system to such an extent that the requested use or any developed use in the immediate area or any other area of the Town will be unduly subject to hazards affecting health, safety or the general welfare.

5.) Describe how any special regulations for the use, set forth in Article 11, are fulfilled.
Any special regulations for the use set forth in Article 11 will be fulfilled if the Petition is allowed.

6) Describe how the requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health, morals, or welfare.

Once again the requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health, morals or welfare of the inhabitants of the Town and in addition Section 5.5.1 further subsection A fits within the description of the definition of a B1 Business District contained in the Bylaw as follows: "B1: Neighborhood Office District. In the Neighborhood Office District, the predominant uses include one- and two-family dwellings, houses with offices on the ground floor, or office structures which are in keeping with the scale of adjacent houses. Primarily located on or adjacent to Massachusetts Avenue, this district is intended to encourage preservation of small-scale structures to provide contrast and set off the higher-density, more active areas along the Avenue. Mixed-use buildings without retail space are allowed in this district. The Town discourages uses that would detract from the desired low level of activity, consume

large amounts of land, or otherwise interfere with the intent of this Bylaw.

7.) Describe how the requested use will not, by its addition to a neighborhood, cause an excess of that particular use that could be detrimental to the character of said neighborhood.

The requested use by its addition to the neighborhood will not cause an excess of that particular use that could be detrimental to the character of the neighborhood. The property will continue to be used partially for residential and partially for commercial purposes as historically has been the case.

* Arlington property card values in red
 * JDL property values in black

TOWN OF ARLINGTON
 Dimensional and Parking Information
 for Application to
 The Arlington Redevelopment Board

Docket No. _____

Property Location ARLINGTON, MA

Zoning District B1

Owner: 400-402 MASS AVE LLC

Address: 400-402 MASS AVE, ARLINGTON

Present Use/Occupancy: No. of Dwelling Units:

Uses and their gross square feet:

(2) DWELLING UNITS

Residential: 3,631 SF* Business: 3,391 SF*

Proposed Use/Occupancy: No. of Dwelling Units:

Uses and their gross square feet:

(5) DWELLING UNITS

Residential: 5,555 SF *

	Present Conditions	Proposed Conditions	Min. or Max. Required by Zoning for Proposed Use
Lot Size	4756 SF ^{4605SF}	4756 SF ^{4605SF}	min. 5,000 SF
Frontage	71.7 FT ^{Mass Ave} 68 FT ^{Avon St.}	71.7 FT ^{Mass Ave} 68 FT ^{Avon St.}	min. 50 FT
Floor Area Ratio	1.16*	1.16*	max. .75
Lot Coverage (%), where applicable	--	--	max. N/A
Lot Area per Dwelling Unit (square feet)	2302 SF	921 SF	min. 2,500 SF
Front Yard Depth (feet)	0 FT	0 FT	min. 20 FT
Side Yard Width (feet)			
right side	5 FT	5 FT	min. 10 FT
left side			min. 10 FT
Rear Yard Depth (feet)	20 FT	20 FT	min. 20 FT
Height	--	--	min. --
Stories	2 & 3/4 STY	2 & 3/4 STY	stories 3
Feet	29.9 FT	29.9 FT	feet 35 FT
Open Space (% of G.F.A.)	--	--	min. --
Landscaped (square feet)	864 SF +/-	864 SF +/-	(s.f.) 10%, OR 555* SF
Usable (square feet)	0*	0*	(s.f.) 20%, OR 1111* SF
Parking Spaces (No.)	2	6	min. 6.1
Verify what is legally considered actual existing parking count			
Parking Area Setbacks (feet), where applicable	N/A	N/A	min. --
Loading Spaces (No.)	0	0	min. --
Type of Construction	WOOD FRAME, TYPE VB		
Distance to Nearest Building	10'-3" +/-	10'-3" +/-	min. N/A

* Arlington property card values in red
 * JDL property values in black

OPEN SPACE/GROSS FLOOR AREA

Refer to Zoning Bylaw Article 2, Definitions and Article 6, Dimensional Regulations

Address: 400-402 Mass Ave Zoning District: B1

OPEN SPACE	EXISTING	PROPOSED
Total lot area	4,756 SF	4,756 SF
Open Space (Usable)* (review per attached open space requirements from Arlington zoning bylaws)	0	0
Open Space (Landscaped)	864 SF +/-	864 SF +/-

*Usable Open Space must be at least 75% open to the sky, free of automotive, traffic and parking, and readily accessible. Open space shall be deemed usable only if: 1) at least 75% of the area has a grade of less than 8% and no horizontal dimension less than 25 feet.

GROSS FLOOR AREA (GFA)		
Accessory building	N/A	N/A
Basement or cellar (>5' excluding mechanical area)	1655 SF +/- 1467SF	1555 SF +/- 1467SF
1 st Floor	1736 SF +/- 1636 SF	1736 SF +/- 1636 SF
2 nd Floor	1582 SF +/- 1467 SF	1582 SF +/- 1467 SF
3 rd Floor	582 SF +/- 554 SF	582 SF +/- 554 SF
4 th Floor	N/A	N/A
5 th Floor	N/A	N/A
Attic (>7'3" in height, excluding elevator, mechanical)	N/A	N/A
Parking garages (except as used for accessory Parking garages or off street loading purposes)	N/A	N/A
All weather habitable porches and balconies	N/A	N/A
Total Gross Floor Area (GFA)	5555 SF +/- 5634 SF	5555 SF +/- 5634 SF

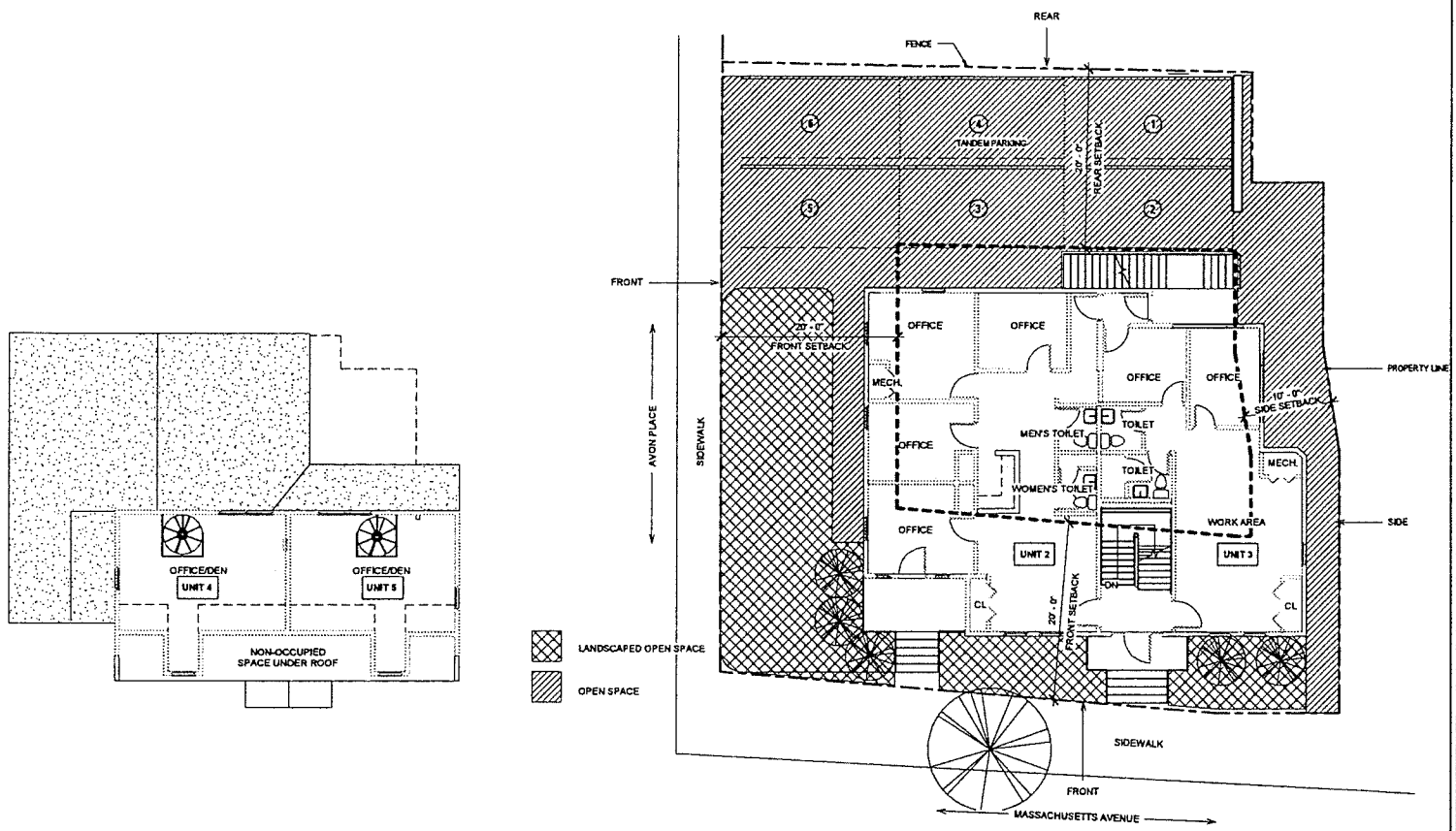
REQUIRED MINIMUM OPEN SPACE AREA

Proposed Usable Open Space Percent of GFA

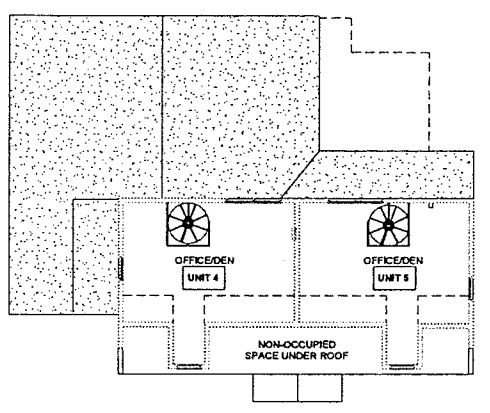
Proposed Landscaped Open Space Percent of GFA

This worksheet applies to plans dated 7/12/2019 designed by J.D. LaGrasse & Associates

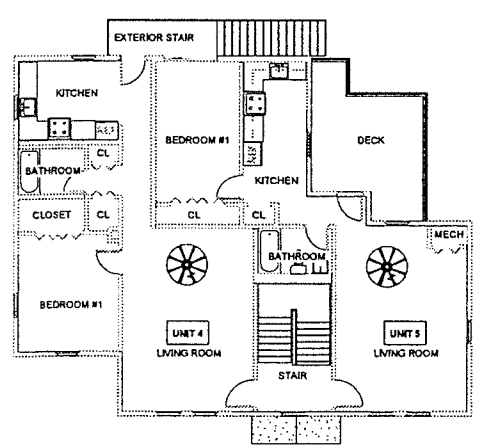
Reviewed by Inspectional Services _____ Date: _____



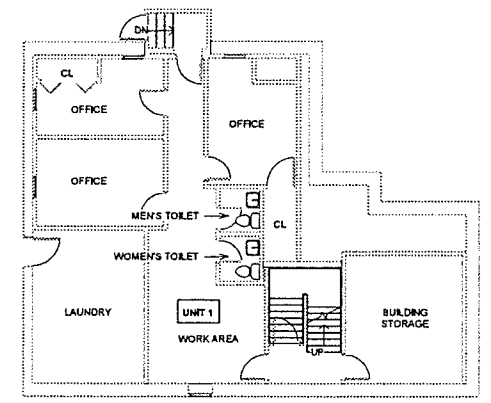
2 EXISTING FIRST FLOOR PLAN + SITE W/
 ZONING INFORMATION
 1/8" = 1'-0"



4 THIRD FLOOR PLAN
 1/8" = 1'-0"



3 SECOND FLOOR PLAN
 1/8" = 1'-0"

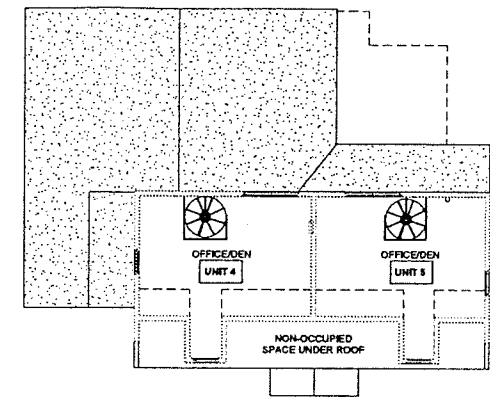


1 BASEMENT PLAN
 1/8" = 1'-0"

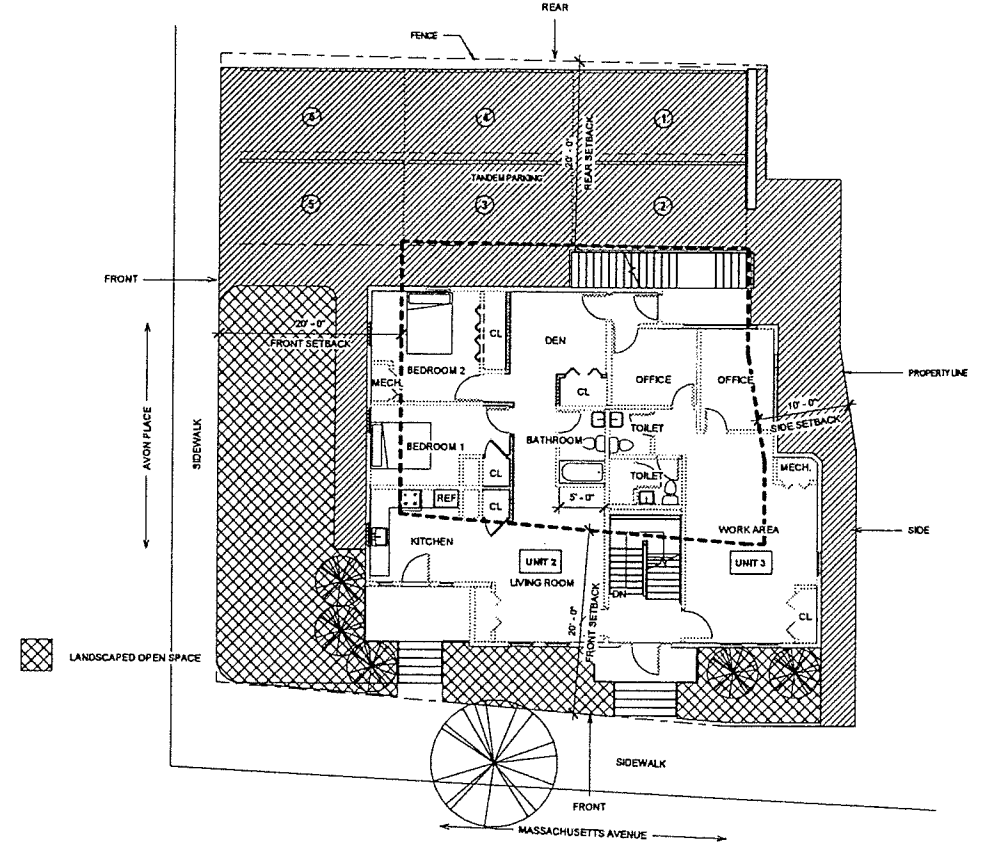
SUMMARY USE GROUPS			
FLOOR	UNIT	EXISTING	PROPOSED
BASEMENT	UNIT 1	BUSINESS	RESIDENTIAL 1 BEDROOM
1ST FLOOR	UNIT 2	BUSINESS	RESIDENTIAL 2 BEDROOM
1ST FLOOR	UNIT 3	BUSINESS (NO CHANGE)	BUSINESS (NO CHANGE)
2ND FLOOR	UNIT 4	RESIDENTIAL 1 BEDROOM (NO CHANGE)	RESIDENTIAL 1 BEDROOM (NO CHANGE)
2ND FLOOR	UNIT 5	RESIDENTIAL 1 BEDROOM (NO CHANGE)	RESIDENTIAL 1 BEDROOM (NO CHANGE)
		2 BEDROOMS	5 BEDROOMS

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ALL PLANS SPECIFIC TO THIS PROJECT AND SHALL BE THE PROPERTY OF JDLAI. NO PART OF THESE PLANS MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF JDLAI.

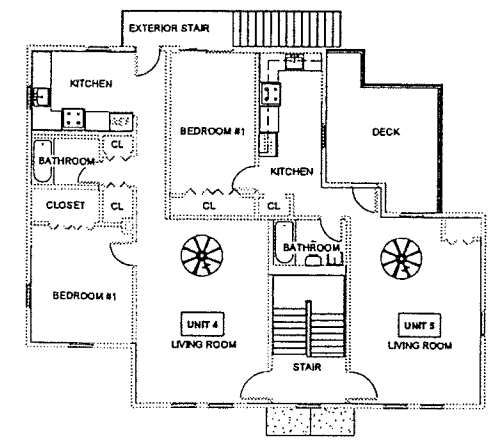
Rev	Date	Description
1	01/14/2020	As Indicated
2	2/8/20	



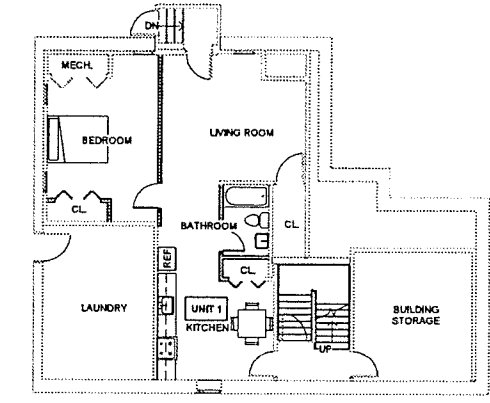
4 THIRD FLOOR PLAN (NO CHANGES)
1/8" = 1'-0"



2 PROPOSED FIRST FLOOR PLAN + SITE
W/ ZONING INFORMATION
1/8" = 1'-0"

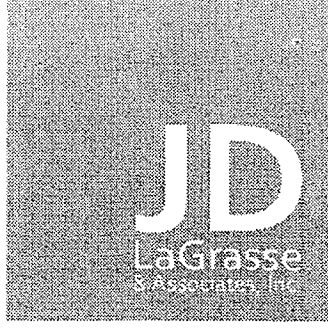
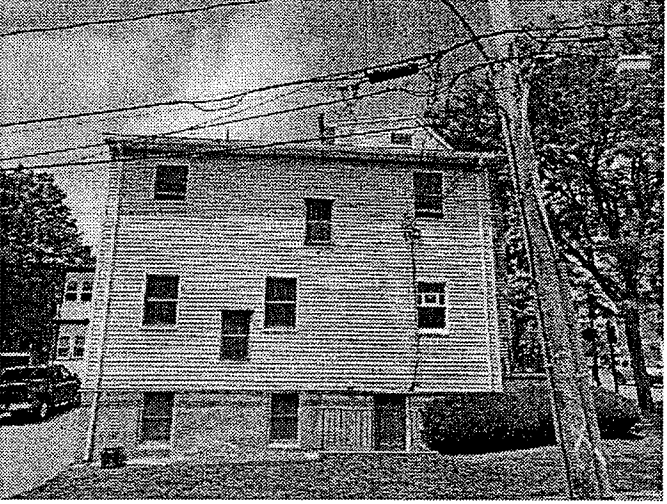
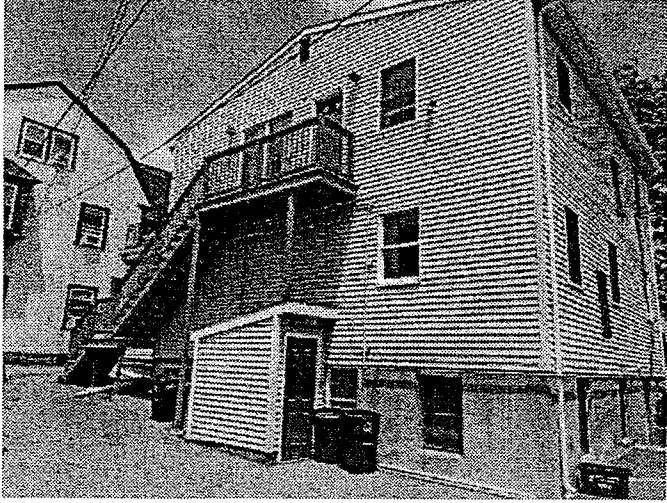
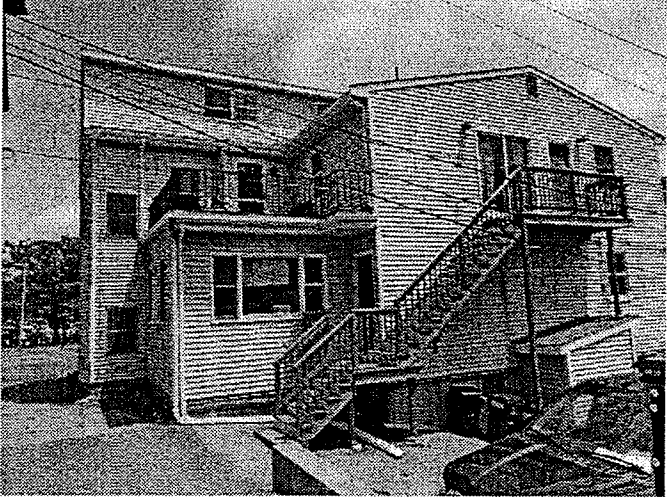
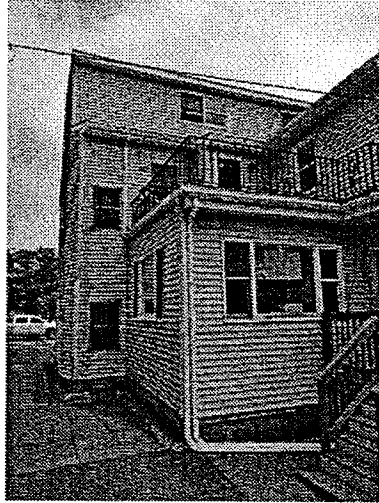
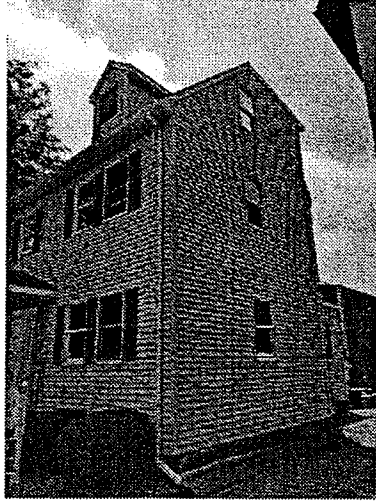


3 SECOND FLOOR PLAN (NO CHANGES)
1/8" = 1'-0"



1 BASEMENT PLAN - PROPOSED
1/8" = 1'-0"





400 MASSACHUSETTS AVE. ARLINGTON, MA
BUILDING FACADE PHOTOS