

REQUEST FOR SPECIAL PERMIT AND/OR VARIANCE
TOWN OF ARLINGTON

In the matter of the Application of **Matthew Ghofrani and Deborah A Ghofrani** to the Zoning Board of Appeals for the Town of Arlington: **concerning real estate located at 83 Palmer Street, Arlington, Massachusetts**

Application for a Special Permit is herewith made, in accordance with Section 3.3 of the Zoning Bylaw for the Town of Arlington, Massachusetts, seeking relief from the following specific provisions of the Zoning Bylaw, and as described fully in the attached form, *Special Permit Criteria*:

The Applicants seek a determination from the Zoning Board of Appeals as to whether Lot 9, also shown as Lot B containing 5,507 square feet on the attached plan of Jay Sullivan is a two-family lot as determined by the Zoning Board of Appeals at the time of the Zoning Decision dated March 11, 1955, allowing a subdivision.

The Applicants state they are the owners of the land in Arlington located at 83 Palmer Street, Arlington, Massachusetts with respect to such relief is sought; that no unfavorable action has been taken by the Zoning Board of Appeals upon a similar petition regarding this property within the two (2) years next immediately prior to the filing hereof. The Applicants expressly agree 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 Applicants represent that the grounds for the relief sought are as follows:

Applicants seek a determination from the Zoning Board of Appeals as to whether a Zoning Board of Appeals' Decision dated March 11, 1955, a copy of which is affixed this Request for Special Permit and incorporated into its terms by reference, which allowed a subdivision with respect to two lots, i.e. Lot B and Lot 9 as shown on a certain subdivision plan affixed to the Zoning Decision with Lot 9 originally containing 7,821 square feet to be combined with Lot B containing 2,269 square feet resulting in two separate lots, one containing 5,507 square

feet and the other containing 4,583 square feet all as shown on the subject subdivision plan with the lot containing 5,507 square feet being deemed a two-family residential lot, i.e. Lot B.

The real estate is and was at the time of the Zoning Decision located in an R2 Zone as defined within the Zoning Bylaw and the question presented for interpretation by the members of the Zoning Board is whether it was the intent on the part of the members of the Zoning Board at the time of the Zoning Decision in 1955, when granting the zoning relief, that the lot containing 5,507 square feet resulted in a two-family lot designation for Lot B as the property was located in a R2 Zone and vacant.

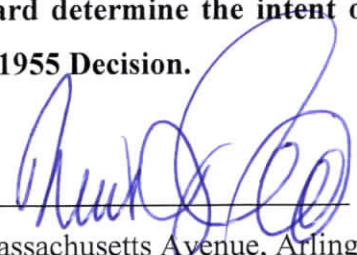
The lot containing 4,583 square feet contained a single-family home lot at the time of the Decision.

Most of the other properties located in the neighborhood of the subject property are two-family homes and not single-family homes and that was the case in 1955.

The Applicants propose to construct a two-family residential structure on the lot as shown on the plan identified as "Proposed Duplex Palmer Street" affixed to this Application and incorporated into its terms by reference.

Since the Decision of the Zoning Board on March 11, 1995 does not designate the relief being granted as to whether Variance or Special Permit relief, the Applicants are filing a Special Permit Application rather than a Variance Application in connection with this request and asking that the members of the Zoning Board determine the intent of the Zoning Board members in granting the zoning relief in the 1955 Decision.

E-Mail: law@robertannese.com

Signed: 

Date: 5/17/21

Telephone: 781-646-4911

Address: 1171 Massachusetts Avenue, Arlington, MA 02476

Special Permit Criteria: Per Section 3.3.3 of the Zoning Bylaw, a Special Permit shall only be granted upon the Board's determination that the benefits of the proposed project will outweigh its adverse effects. The responses provided below will inform the Board as to whether the standards for approval have been met.

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

See Zoning Decision of March 11, 1955, affixed to this Special Permit Criteria incorporated into its terms by reference.

B.) Explain why the *requested use is essential or desirable to the public convenience or welfare.*

If Applicants are allowed to construct a two-family residential duplex at the property it will add an additional needed residential unit to the Town residential base and will of course be located in a R2 Zone as defined in the Zoning Bylaw.

C.) Explain *why the requested use will not create undue traffic congestion, or unduly impair pedestrian safety.*

There would be no significant increase in traffic congestion, or any undue impairment of pedestrian safety if the requested zoning relief is granted.

D.) Explain why *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.*

There will be no overload of any public water, drainage or sewer system, or any other municipal system because the relief requested consists of permission to construct only a two-family residential building on the subdivision lot.

E.) Describe how any special regulations for the use, as may be provided in the Zoning Bylaw, including but not limited to the provision of Section 8 are fulfilled.

There are no special regulations pertaining to this lot.

F) Explain why 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.

The construction on Lot B of a two-family duplex residential building will be in keeping with other two-family homes constructed over the years in the neighborhood, many of which have less lot square feet than does the Applicants' lot. Consequently, construction of the two-family duplex residential dwelling on the lot will be in keeping with the integrity and character of the neighborhood and will not be detrimental to the health or welfare of inhabitants of the Town or inhabitants of the neighborhood of the property.

G.) Explain why *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 proposed two-family duplex residential dwelling will be in keeping other two-family homes located in the neighborhood of the property and there will not be an excess of the use which could be detrimental to the character of the neighborhood.

TOWN OF ARLINGTON
 Dimensional and Parking Information
 For application to The Zoning Board of Appeals

1. Property Location: **83 Palmer Street, Arlington, Massachusetts 02474**
 Zoning District: **R2**
2. Present Use/Occupancy: **One** No. of dwelling units (if residential) _____
3. Existing Gross Floor Area (see definition of Gross Floor Area (GFA) in Article 2 of the Town of Arlington Zoning Bylaw and provide supporting documentation (worksheet) showing dimensions of GFA by floor: _____
4. Proposed Use/Occupancy: **two residential dwellings** No. of dwelling units (if residential) **2**
5. Proposed Gross Floor Area (see definition of Gross Floor Area in Article 2 of the Town of Arlington Zoning Bylaw and provide supporting documentation (worksheet) showing dimensions of GFA by floor): _____
- 6.

	Present Conditions	Proposed Conditions	Min. or max Required by Zoning
6. Lot size (sq. ft.)	5,512 sq ft	5,512 sq ft	min. 6,000 sq ft
7. Frontage (ft.)	60.14	60.14	min. 60 ft
8. Floor area ratio	N/A	N/A	max.
9. Lot Coverage (%)	21.4%	29.2%	max 35%
10. Lot Area per Dwelling Unit (Sq. ft.)	N/A	N/A	min.
11. Front Yard Depth (ft.)	16.5 ft	25.0 ft	min. 20 ft
12. Left Side Yard Depth (ft.)	7.5 ft	10.5 ft	min. 10 ft
13. Right Side Yard Depth (ft.)	7.6 ft	10.6 ft	min. 10 ft
14. Rear Side Yard Depth (ft.)	37.3 ft	25.7 ft	min. 18.34 ft
15. Height (stories)	2.5	2.5	max. 2.5
16. Height (ft.)	26.1 ft	34.5 ft	max. 35.0 ft.
17. Landscaped Open Space (% of GFA) Sq. ft. _____	3549/2150 = 165%	3073/3884 = 79.1%	min. 10%
18. Usable Open Space (% of GFA) Sq. ft. _____	2238/2150 = 104%	1542/3884 = 39.7%	min. 30%
19. Parking Spaces (number)	2	4	min. 2 (ex) 4 (prop)
20. Parking area setbacks	N/A	N/A	min.
21. Loading Spaces (if applicable)	N/A	N/A	min. n/a
22. Type of construction	Wood	Wood	Wood

OPEN SPACE/GROSS FLOOR AREA

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

Address: **83 Palmer Street, Arlington, MA**

Zoning District: **R2**

<u>OPEN SPACE</u>	EXISTING	PROPOSED
Total lot area	5,512 sq ft	5,512 sq ft
Open Space (Usable)*	2238 sq ft	1542 sq ft
Open Space (Landscaped)	3549 sq ft	3073 sq ft

*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.

<u>GROSS FLOOR AREA (GFA)</u>		
Accessory building	N/A	N/A
Basement or cellar (>5' excluding mechanical area)	592 sq ft	0
1 st Floor	870 sq ft	1,560 sq ft
2 nd Floor	662 sq ft	1,560 sq ft
3 rd Floor	N/A	764
4 th Floor	N/A	N/A
5 th Floor	N/A	N/A
Attic (>7'3" in height, excluding elevator, mechanical)	0	0
Parking garages (except as used for accessory Parking garages or off street loading purposes)	0	0
All weather habitable porches and balconies	26 sq ft	0
Total Gross Floor Area (GFA)	2,150 sq ft	3,884 sq ft

REQUIRED MINIMUM OPEN SPACE AREA

Proposed Usable Open Space Percent of GFA 39.7%

Proposed Landscaped Open Space Percent of GFA 79.1%

This worksheet applies to plans dated 3/29/21 designed by Plot Plan by D & A Survey Associates, Inc

Reviewed by Inspectional Services _____ Date: _____

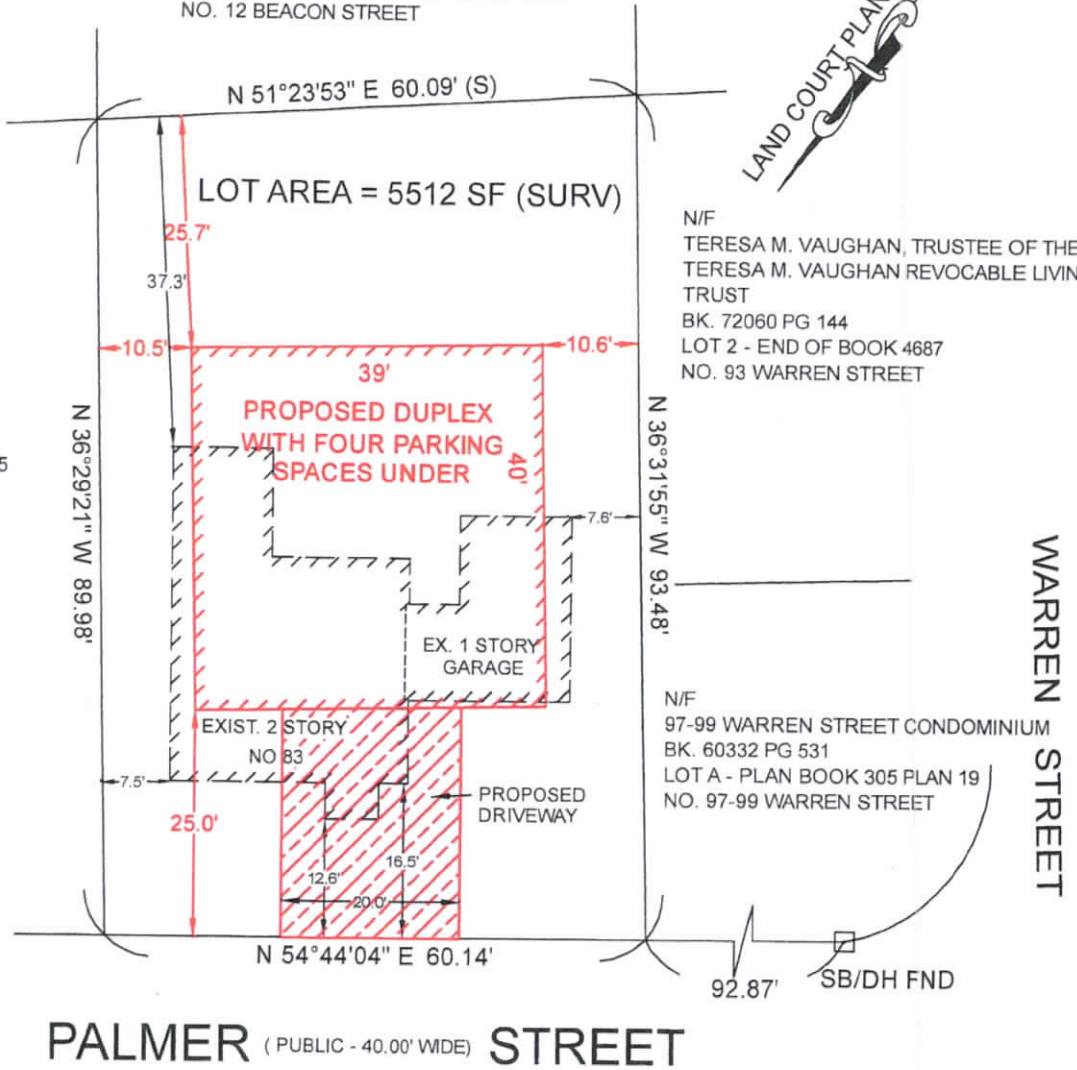
N/F
 CHRISTINE MALOY &
 WENDY HORI
 BK. 50961 PG 502
 PART OF LOT 9 - PLAN NO. 490 OF 1955
 NO. 12 BEACON STREET

LAND COURT PLAN NO. 40217-A

N/F
 WILLIAM F. AND RUTH BLAKE
 BK. 13321 PG 535
 LOT A - PLAN NO. 1542 OF 1955
 NO. 87-89 PALMER STREET

N/F
 TERESA M. VAUGHAN, TRUSTEE OF THE
 TERESA M. VAUGHAN REVOCABLE LIVING
 TRUST
 BK. 72060 PG 144
 LOT 2 - END OF BOOK 4687
 NO. 93 WARREN STREET

N/F
 97-99 WARREN STREET CONDOMINIUM
 BK. 60332 PG 531
 LOT A - PLAN BOOK 305 PLAN 19
 NO. 97-99 WARREN STREET



PALMER (PUBLIC - 40.00' WIDE) STREET

WARREN STREET



PLOT PLAN
 IN
 ARLINGTON, MA
 83 PALMER STREET



SCALE: 1" = 20'-0"

MARCH 29, 2021

D & A SURVEY ASSOCIATES, INC.
 P.O. BOX 621 MEDFORD, MA 02155
 (781) 324 - 9566

NOTES:

- 1.) This plan was prepared from an instrument survey
- 2.) Record owners: Masoud & Deborah A. Ghofrani
- 3.) Deed Reference: Book 24538 Page 152
- 4.) Plan Reference: Plan No. 490 of 1955
- 4.) Zoning District: R2