

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

ZONING BOARD OF APPEALS

ARLINGTON, MASSACHUSETTS

In the matter of)	
)	
53 Marathon Street)	
Arlington, Massachusetts)	Docket Number:
)	
BRING US DEALS 53 MARATHON)	
STREET, LLC, Petitioner)	

ZONING MEMORANDUM OF FACT AND LAW
IN SUPPORT OF
REQUEST FOR SPECIAL PERMIT

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STATEMENT OF FACTS

The Petitioner has applied for zoning relief in connection in Section 8.1.3(B), Section 6.1.10(A) and 5-18/5.4.2(B)(6) for the propose of constructing a two-family residential structure on the property located at 53 Marathon Street with the property being in an R2 zone.

The present use of the property is as a two-family and the proposed use would also be for a two-family.

The lot contains 6,988 square feet which is above the minimum square feet requirement for zoning and has frontage on both Marathon Street and Waldo Road, each of which has above the minimum of 60 feet required by zoning.

The present front yard depth at the property is 15.4 and 15.3 feet, respectively, and the proposed conditions will be 20.25 feet for both Marathon Street and Waldo Road.

The right-side depth is currently 24.1 feet and will be reduced to 10.25 feet, still above the minimum 10-foot requirement and the rear yard depth of 23.7 feet will be reduced to 20.25 feet, also above the zoning rear yard depth requirement of 20 feet.

The existing height is 2.5 stories, and the proposed height will be the same and the height in feet is presently 33.1 feet and will be 34.6 feet, while zoning requires 35 feet.

The landscaped open space will be 1,350 square feet equal to 19% while zoning requires 10%, and the useable open space will 2,530 square feet representing 36% while zoning requires 30%.

There will be two parking spaces at the property.

The plans propose two driveways at the property, one off of Waldo Road and one off of Marathon Street.

Section 6.1.10 of the bylaw provides in part as follows:

“For single-family, two-family, duplex, and three-family dwellings in R0, R1, R2, R3 and R4 districts, not more than one driveway shall be permitted unless there is a finding by the Special Permit Granting Authority for the development that a second driveway or a driveway that makes more than one intersection with he street may be added in a manner that avoids an undue concentration of population, allows adequate provision of transportation, and conserves the value of land and buildings in the vicinity. In no case

may a second driveway for a single-family, two-family, duplex or three-family dwelling violate any other dimensional or density regulations of the district which it is located. For single-family, two-family, duplex, and three family dwellings in R0, R1, R2, R3, and R4 districts, not more than two driveways are permitted.”

While the advertisement with respect to the zoning hearing also mentioned Section 8.1.3 (b) and Section 5.4.2 (b)(6), it is the Petitioner’s position that there is no need for the Zoning Board to act with respect to either of those sections of the zoning bylaw in light of the fact that the existing building will be taken down and a new building constructed with the new building conforming to the provisions of the zoning bylaw in relation to the dimensional, height and other requirements with the only relief needed being for a second driveway.

ARGUMENT OF FACT AND LAW

Petitioner suggests that the provisions of Section 3.3.3 of the zoning bylaw with respect to the criteria for granting a Special Permit have been met as follows:

- A. The use requested is listed as a special permit use in the use regulations for the applicable district or is so designated elsewhere in this Bylaw.
- B. The requested use is essential or desirable to the public convenience or welfare.
- C. The requested use will not create undue traffic congestion or unduly impair pedestrian safety.
- D. 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 in or in any other area of the Town will be unduly subjected to hazards affecting health, safety, or the general welfare.
- E. Any special regulations for the use as may be provided in the Bylaw are fulfilled.
- F. The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health or welfare.
- G. The requested use will not, by its addition to a neighborhood, cause an excess of the use that could be detrimental to the character of said neighborhood.

The Petitioner proposes to construct a two-family residential dwelling to replace an older, two-family residential dwelling.

With respect to the request for a second driveway the Petitioner suggests to the Members of the Board that allowing a second driveway will not result in an undue concentration of population, will allow adequate provision for transportation, and will conserve the value of land and buildings in the vicinity of the property.

The Petitioner is constructing a new building with the lot area containing almost 7,000 square feet and with the property having frontage on both Waldo Road and Marathon Street.

The building would be sited on the lot so that each of the occupants of the two-family residences will have their own access to their property without the necessity of dealing with the potential issue of tandem parking as would be the case with one driveway at the property.

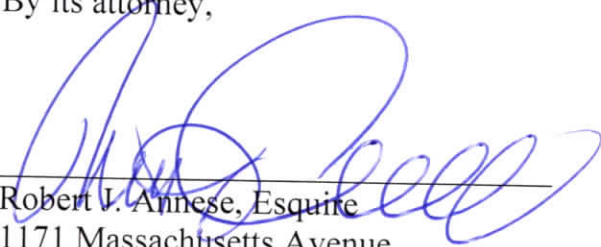
Tandem parking is always inconvenient for occupants of a two-family home, and we know that there are many instances of tandem parking which occur in areas of East Arlington.

The Petitioner's plans are designed to eliminate the need for tandem parking which will not only enhance the appearance of its property but will also be compatible with other properties in the neighborhood and will improve potential traffic and pedestrian safety issues.

Petitioner also suggests that allowing two driveways at the property will be advantageous to the neighborhood in which the property is located because non-tandem parking at the property will result in a more easy and comfortable flow of traffic to and from the property by the residential occupants of the property which in turn will benefit surrounding and nearby properties.

For all of the above reasons Petitioner respectfully requests that its Petition for Zoning Relief be allowed by the Board.

Petitioner,
BRING US DEALS 53 MARATHON
STREET, LLC,
By its attorney,



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