



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 **Carney General Contracting** of Arlington, Massachusetts on October 7, 2021, a petition seeking permission to alter their property located at **83 Palmer Street - Block Plan 042.0-0003-0009.A** Said petition would require an **"Appeal from the Building Inspector"** of the Zoning Bylaw. The appeal addresses the issue of whether the existing structure could be razed and re-built.

A hearing in regards to the petition will be conducted remotely via "Zoom" **Tuesday evening November 23, 2021 at 7:30 P.M or as soon thereafter as the petitioner may be heard. To join the meeting, please register using the following URL:**

<https://town-arlington-ma-us.zoom.us/join>
[https://us.zoom.us/join/register/tJArcuGoqi0tGdOAzh3RophsZAhpup5bDJzi](https://us.zoom.us/join/https://us.zoom.us/join/register/tJArcuGoqi0tGdOAzh3RophsZAhpup5bDJzi)

After registering, you will receive a confirmation email containing information about joining the meeting. **For documentation relating to this petition, visit the ZBA website at: www.arlington.gov/zba.**

DOCKET NO 3658

Zoning Board of Appeals
Christian Klein, RA, Chair

Please direct any questions to: **ZBA@town.arlington.ma.us**

INFORMATION FOR BOARD OF APPEALS RECORD

To be completed by OWNER, signed, and returned to Secretary of the Board of Appeals:

Matthew Ghofrani and Deborah A Ghofrani
(Owner or Petitioner)

Address: 83 Palmer Street

City or Town: Arlington

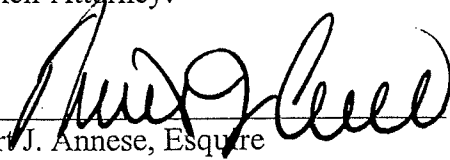
Premises: 83 Palmer Street, Arlington, MA
(Street & Number) (Identify Land Affected) (City)

the record title standing in the name of Matthew Ghofrani and Deborah A Ghofrani

whose address is: 83 Palmer Street, Arlington, MA
(Street) (City or Town) (State)

by deed duly recorded in the Middlesex Registry of Deeds, Book 24538, Page 152

By Their Attorney:


Robert J. Annese, Esquire
1171 Massachusetts Avenue
Arlington, Massachusetts 02476
(781) 646-4911
(781) 646-4910 – facsimile
law@robertannese.com

REQUEST FOR SPECIAL PERMIT
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 located in an R2 Zone.**

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 Petitioners seek a special permit from the Zoning Board of Appeals to allow the construction of a two-family residential dwelling on Lot B containing 5,507 square feet shown on the attached plan of Michael J. Cameron dated September 21, 2021.

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 Special Permit from the Zoning Board of Appeals in order to construct a two-family residential dwelling on Lot B originally referred to in a Zoning Board of Appeals' Decision dated March 11, 1955, a copy of which is affixed to this Request for Special Permit and incorporated into its terms by reference, with that Decision allowing a subdivision of two lots, i.e. Lot B and Lot 9 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. The result of that subdivision

approval by the Zoning Board was that the lot containing 4,583 square feet contained a single-family home at the time of the 1955 Zoning Decision and continued as such and subsequent to the 1955 Zoning Decision, a single-family home was constructed on the lot containing 5,507 square feet i.e., Lot B.

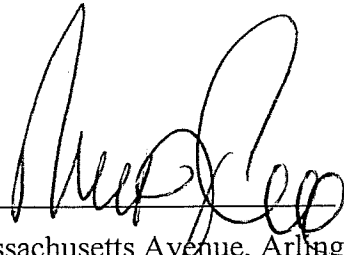
Most of the other properties located in the neighborhood of the subject property are two-family homes and not single-family homes.

The Applicants propose to construct a two-family residential structure on the lot as shown on the plan identified as "Plot Plan in Arlington, MA 83 Palmer Street" dated September 21, 2021 by D & A Survey Associates, Inc., P.O. Box 621, Medford, MA 02155.

The assessing records for the Town currently show the lot containing 5,507 square feet being assessed as a two-family lot and the lot containing 4,583 square feet classified as a single-family lot. See assessing records affixed to this petition and incorporated into its terms by reference.

The Applicants request a Special Permit in accordance with the Dimensional and Parking Information provided as well as the as the Open Space/Gross Floor Area information provided with this petition.

E-Mail: law@robertannese.com

Signed: 

Date: 10/7/21

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 as well as Section 3.3.3 of the Zoning Bylaw as the use requested is listed as a Special Permit use in the Use Regulations for the applicable District or so designated elsewhere in the Bylaw.

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 on the property it will add an additional needed residential unit to the Town residential base and will 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.*

The requested use will not create undue traffic congestion or unduly impair pedestrian safety.

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 a two-family residential building on the subdivision lot which is in an R2 Zone.

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.

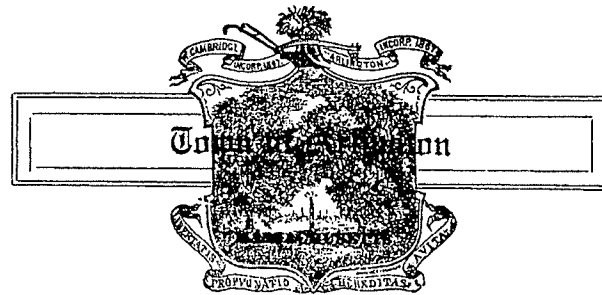
F) Explain why the requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health, morals, or welfare.

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. In addition, the request relief meets the criteria of Section 3.3 of the Zoning Bylaw.

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.

BOARDS OF APPEALS



TELEPHONE
ARLINGTON 5-6700

LEGAL NOTICE

Notice is herewith given in accordance with the provisions of Section 4, Paragraph 5 of the Zoning By-Law that there has been filed by Carmine A. and Anna A. Lionetti of Arlington, Massachusetts a petition seeking permission to subdivide two lots located in back of number 12 Beacon Street, Arlington, Massachusetts. Said subdivision would create two lots with less than the square foot area required by Section 14-B of the Zoning By-Law.

Hearing in regard to the said petition will be held in the Town Manager's Office, located on the second floor of the Robbins Town Hall, Arlington, Massachusetts on Monday evening, February 21, 1955 at 9:00 O'Clock P.M.

ZONING BOARD OF APPEALS

Clifford E. Lansil
Secretary

TOWN OF ARLINGTON

ZONING

BOARD OF APPEALS

PETITION NO. 411

of Carmine A. & Anna A. Lionetti

Statement of Facts.

The Zoning Board of Appeals, hereinafter called the "Board" conducted a public hearing on the Petition of Carmine A. & Anna A. Lionetti for permission to subdivide a parcel of land at 12 Beacon Street.

The Petition was filed in the office of the Inspector of Buildings on January 26, 1955. The hearing was held at the Town Hall on Monday evening, February 21, 1955 after due notice had been given by publication in the Arlington News on February 10, 1955 and by mail, postage prepaid, to owners of real estate opposite to and abutting on the property in question, and to other parties in interest, whose names and addresses are recorded on a separate list which forms a part of the official record of these proceedings, and by posting the property.

The members of the Board present were:

Philibert Pelligrini, Chairman
Clifford E. Lansil, Secretary
Robert W. Blaisdell

The Petitioner was represented by Michael A. Fredo, Attorney.

The property involved in this appeal is shown on Plot plan #42 as Lots 9 & B extending from Beacon Street to Palmer Street. The series of lots lettered A, B, C, etc. are formed from a triangular strip which resulted from a relocation of Palmer Street. These lots, at the end near Warren Street, are of considerable size, lot B having an area of 2,269 sq. ft. However, it is too small to build upon. Lot 9 has an area of 7,821 sq. ft., and is larger than necessary for a house. It is proposed to subdivide lot 9 so that the back part, together with lot B, will comprise 5,507 sq. ft., while the residual of lot 9 will be 4,583 sq. ft. Thus, another lot will be created which will be large enough for practical utilization.

The proposal is quite in keeping with several others already submitted to the Board which pertain to lots in the blocks between Palmer Street and Beacon Street. The resulting lots would be as large as or larger than the average lots in the vicinity.

The Board believes that, in this case as in the others, the interests of all parties and the neighborhood will be best served by allowing the subdivision. Both lots will be conforming in width.

It is the unanimous decision of the Board to permit the subdivision as specified on the plan submitted with the Petition.

Philibert Pelligrini
Chairman

Clifford E. Lansil
Secretary

2/10/55 Notice published in the Arlington News
Notice sent to the following:

Thomas A. Dewire, 85 Warren St.
Thomas J. Green & Alice K. Sliney, 93 Warren St.
Rosalie Woodside, 97 Warren St.
Patrick F. Brennan, et ux, 86 Palmer St.
Thomas D. & Catherine M. Kenna, 90 Palmer St.
John J. Sullivan, 94 Palmer St.
Rosina M. Lionetta, 98 Palmer St.
John J. & Dorothy A. Downing, 102 Palmer St.
Ciriaco & Lizzi Guanci, 16 Beacon St.
Cornelius J. Crowely, et al, 18 Beacon St.
Daniel Ahern, 213 Broadway (20 Beacon St.)
Antonio & Letitia Lionetto, 24 Beacon St.
Antoni & Carmine Guange, 28 Beacon St.
Eileen Welch, 11 Beacon St.
Joseph W. & Gladys R. Perry, 15 Beacon St.
Agnes G. Ahern, 17 Beacon St.
Michelangelo & Carmela Carella, 20 Sutherland Rd. (21 Beacon St.)
Rosario Carella, 25 Beacon St.
Wm. F. Canty, et ux, 29 Beacon St.
Mary A. Hennessy, 71 Warren St.
Adrienne H. Cunha, 75 Warren St.
Margaret B. Murphy, 77 Warren St.
Salvatore Caterino, 65 Palmer St. Owns 81 Palmer & 3 Beacon St.

TOWN OF ARLINGTON

In the Matter)
)
) of the
) No. 411
) Petition of
) Carmine A. Lionetti and
) Anna A. Lionetti)

To the Zoning Board of Appeals for the Town of Arlington: Respectfully represents Carmine A. Lionetti and Anna A. Lionetti of Arlington that ^{they are} ~~is~~ the owner of certain land in Arlington, located Palmer St. & Beacon Street; that they made application of the Inspector of Buildings for a permit or license with respect thereto, to wit: to divide and sell a portion of that lot on Beacon Street, known as number 12, to the prospective purchasers of lot directly in the rear of said Beacon Street and facing Palmer Street. Said subdivision would create two lots with less than the square foot ^{have} ~~area~~ required by Section 14-B of the Zoning By-Law. that they ~~has~~ been aggrieved by the refusal of the Inspector of Buildings to issue the permit or license on the grounds of noncompliance with the Zoning By-Law; that no unfavorable action has been taken by the Zoning Board of Appeals or its predecessors upon a similar appeal regarding this property within the two (2) years next immediately prior to the filing hereof.

Wherefore appeal is claimed from the decision of the Inspector of Buildings in accordance with the provisions of Section 14, Paragraph 3 of the Zoning By-Law for the Town of Arlington and as grounds therefor, your appellant states as

follows: It is respectfully called to your attention the fact that on said Palmer Street there are at least three lots upon which buildings have been recently erected with a square foot area of the same or less area than the present lot on Palmer Street. The owners will sell a portion of the rear of their lot so as to increase the area of the Palmer Street lot.

Signed _____

Arlington, Massachusetts

Address _____

TOWN OF ARLINGTON
ZONING BOARD OF APPEALS

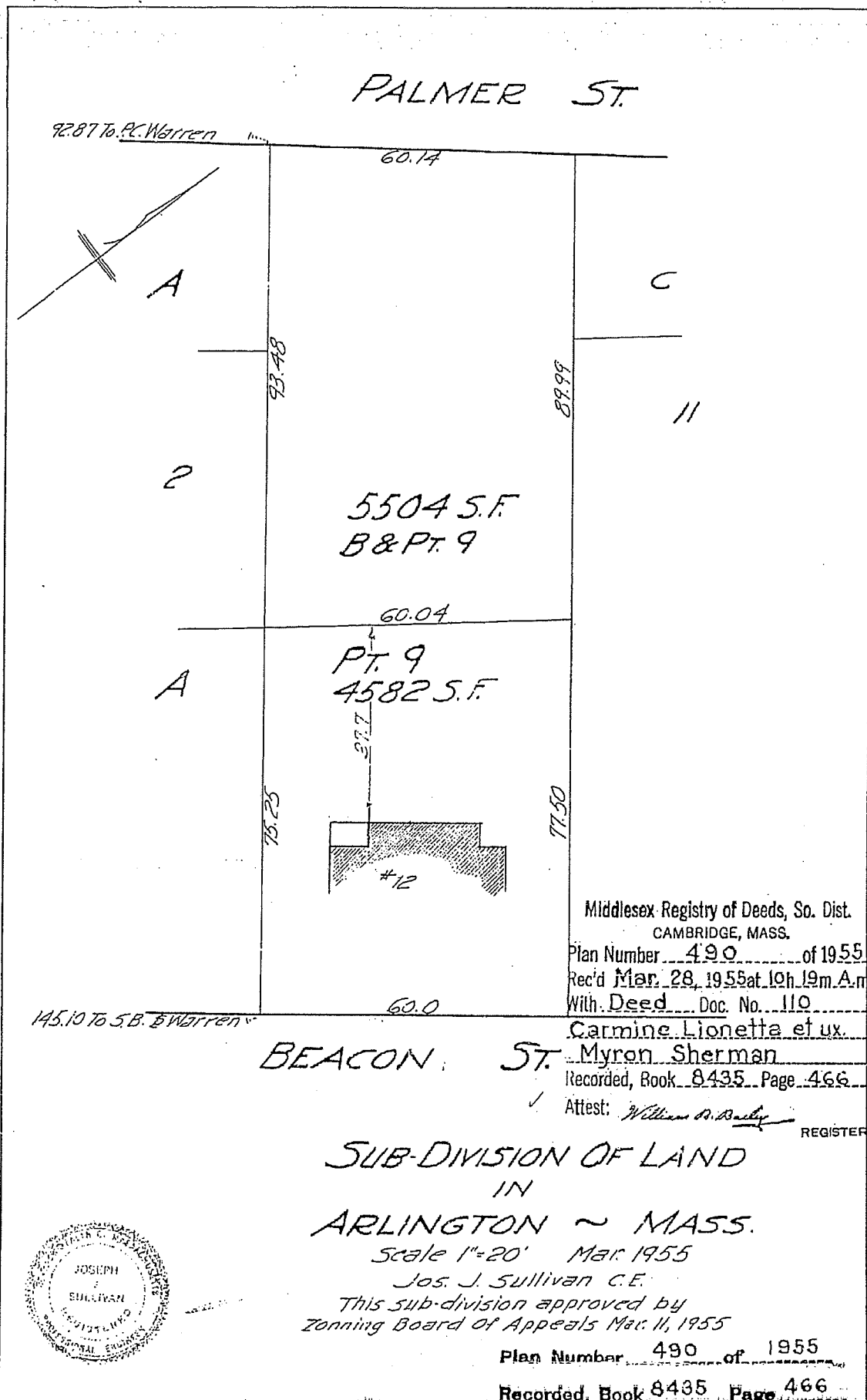
Notice of Decision

March 11, 1955

In accordance with the provisions of
Section 4 of the Zoning By-Law, you are here-
with notified that, after the hearing held
February 21, 1955 in the matter of the Petition
of Carmine A. & Anna A. Lionetti, the Zoning
Board of Appeals has reached its decision.

It is the unanimous decision of the Board
to allow the Petition.

ZONING BOARD OF APPEALS
Clifford E. Lansil
Secretary



to wit: to subdivide two lots. Said subdivision would create two lots with less than the square foot area required by section 14-B of the Zoning By Law

3rd Avenue Rd.

Beacon St,

14 & 16 ✓

15 ✓

20 ✓

24 ✓

25 ✓

3 ✓

11 ✓

15 ✓

17 ✓

21 ✓

25 ✓

29 ✓

Limatti

PALMER ST.

84 & 86 ✓

88 & 90 ✓

92 & 94 ✓

96 & 98 ✓

100 & 102 ✓

WARREN ST.

69 - 71 ✓

75 ✓

77 ✓

81 ✓

85 - 91 ✓

93 ✓

99 - 99 ✓

Block Plan

42

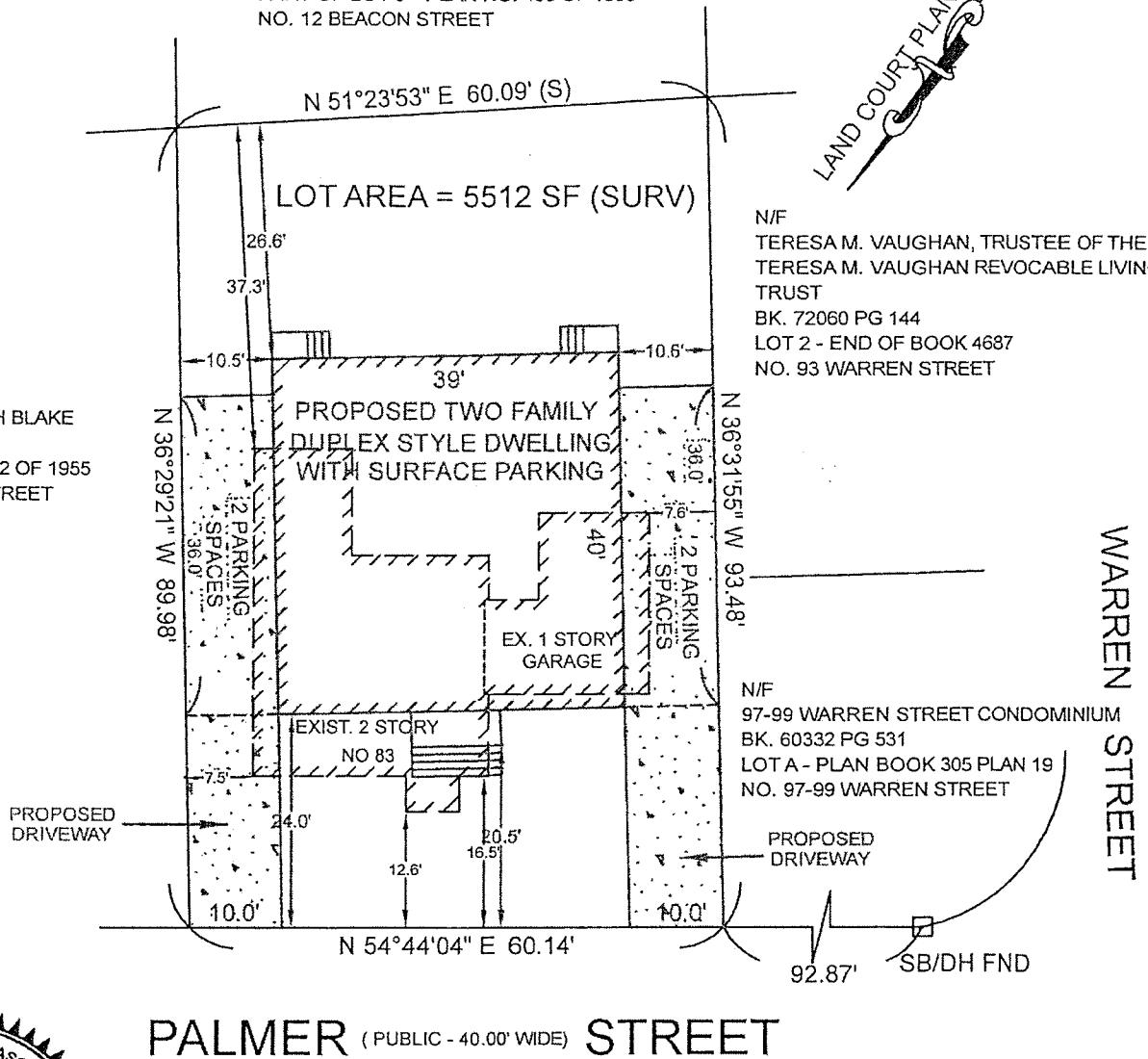
N/F
CHRISTINE MALOY &
WENDY HORI
BK. 50961 PG 502
PART OF LOT 9 - PLAN NO. 490 OF 1955
NO. 12 BEACON STREET

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

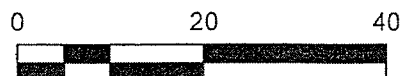
N/F
97-99 WARREN STREET CONDOMINIUM
BK. 60332 PG 531
LOT A - PLAN BOOK 305 PLAN 19
NO. 97-99 WARREN STREET



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

PLOT PLAN
IN
ARLINGTON, MA
83 PALMER STREET



SCALE: 1" = 20'-0"

SEPTEMBER 21, 2021

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

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): **4664 sf**

	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	20.5 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	26.6 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%	2265/4664 = 48.5%	min. 10%
18. Usable Open Space (% of GFA) Sq. ft. _____	2238/2150 = 104%	1464/4664 = 31.4%	min. 30%
19. Parking Spaces (number)	2	4	min. 2 (req) 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	1464 sq ft
Open Space (Landscaped)	3549 sq ft	2265 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	780 sq ft
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 sf
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	4,664 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 9/21/21 designed by Plot Plan by D & A Survey Associates, Inc

Reviewed by Inspectional Services _____ Date: _____

Form section containing property details, features, and depreciation information. Includes fields for Type, Size, Units, Features, and various calculation tables.

Form section containing residential grid details, remodeling breakdown, and comparable sales data. Includes tables for grid layout, remodeling costs, and sales history.

Form section containing sub-area details and a table for sub-area details. Includes a table with columns for Code, Description, Area, SQ, Rate, AV, and Undepr Value.

