

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

ZONING BOARD OF APPEALS

ARLINGTON, MASSACHUSETTS

In the matter of	)	
	)	
83 Palmer Street	)	
Arlington, Massachusetts	)	Docket Number:
	)	
Matthew Ghofrani and Deborah A.	)	
Ghofrani, Applicants	)	

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

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

STATEMENT OF FACTS

Applicants seek a determination from the Zoning Board of Appeals as to whether a Zoning Board of Appeals' Decision dated March 11, 1955, (Exhibit A), which allowed a subdivision combining a lot containing 7,821 square feet with a lot containing 2,269 square feet resulting in two separate lots, one containing 5,507 square feet and the other containing 4,583 square feet with the lot containing 5,507 square feet being deemed a two-family residential lot. (Exhibit A).

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 by way of a Special Permit the Applicants are requesting that the Members of the Zoning Board rule that the March 11, 1955 Zoning Decision resulted in the lot containing 5,507 square feet becoming a two-family lot (Lot B) as the property was located in an R2 Zone and was vacant at the time of the Decision.

To quote from the Zoning Decision of March 11, 1955: **"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 block between Palmer Street and Beacon Street. The resulting lots would be as large or larger than the average lots in the vicinity."

At the time of Zoning Decision, the newly created lot containing 4,582 square feet had an existing building on it while the newly created lot B containing 5,507 square feet did not.

It is clear that at the time of the Zoning Decision the zone in which the two lots were located was an R2 zone.

At the time of the Zoning Decision the Decision simply granted relief with respect to the subdivision without indicating whether lot B, the vacant lot, could have a two-family or single-family house built on it, once again, in a neighborhood even then containing mostly two-family homes.

A single-family home presently exists on Lot B, and it was constructed sometime after the 1955 Zoning Decision.

The Applicants have submitted a plot plan and landscape plan of Michael J. Cameron, a Registered Land Surveyor, which shows the location of the existing building and the location of the proposed two-family duplex style dwelling with surface parking to be located on the lot. (Exhibit B).

The plot plan has the lot area for the subject lot as 5,512 square feet which is a slight difference from the square feet indicated in the 1955 Zoning Decision.

The plot plan also shows the proposed useable open space area for the construction with the open space calculations.

The Applicants have also submitted plans from their architect, Michael Aveni depicting the proposed residence to be constructed on the lot. (Exhibit C).

The proposed residential dwelling would be a duplex and the front yard setback would be 20 feet while the previous front yard setback was 16.5 feet.

The left-side yard setback currently is 7.5 feet and would be 10.5 feet and the right-side yard setback which is 7.6 feet would be 10.6 feet.

The rear yard setback is currently 27.3 feet and would 27.4 feet and the height of the proposed dwelling would be the same as the prior dwelling height of 34.5 feet.

The landscaped open space would be significantly increased, and the useable open space would meet the requirements of the Zoning Bylaw at 31.7% while Zoning requires 30%.

There will be four (4) parking spaces while two (2) are required. (Exhibit D).

The gross floor area of the dwelling which is presently 2,150 square feet would increase to 4,664 square feet with construction of the duplex dwelling. (Exhibit E).

A portion of the Zoning Bylaw in effect on October 15, 1954 which would have been considered by the Members of the Zoning Board at the time they rendered their Decision with respect to the 1955 Zoning Decision, defined a duplex house as follows:

“Duplex House - Is a house containing two apartments adjoining side by side; that is, in which no part of one apartment is over any part of the other apartment. A duplex house shall be considered as one main building occupying one lot for the purpose of determining yard requirements.” (Exhibit F).

That definition has not changed significantly even in the current Bylaw (Zoning Bylaw amended as of April 26, 2021).

ARGUMENT OF FACT AND LAW

It is clear that the language contained in the 1955 Zoning Decision did not make specific findings of fact and conclusions law which would pass muster in today's interpretation of the provisions of Chapter 40A of the General Laws of the Commonwealth.

However, as can be seen from an examination of the documents submitted with respect to the present Application for Special Permit, the Applicants' plans comply with the Zoning Bylaw in every respect except that their lot does not contain 6,000 square feet.

Notwithstanding that fact, it is their position that when the 1955 Zoning Decision was decided the lot created i.e., Lot B, the present lot before this Zoning Board, was located in an R2 Zone and the Members of the Board were certainly aware of that fact.

In addition, most of the surrounding properties were R2 residential dwellings and not single-family dwellings.

In light of the absence of specific findings with respect to findings of fact and conclusions of law by the 1955 Zoning Board in its decision, it is now up to the present Zoning Board to determine the status of Lot B.

It is contended by the Applicants that if specific language had been contained in the Application for Zoning Relief in the application filed by the Applicants with regard to the 1955 Zoning case, that the then Zoning Board would likely have determined that in allowing the subdivision, Lot B was to be a two-family lot.

A reading of the last page of the Zoning Decision **“to wit: to subdivide two lots. Said subdivision would create two lots with less than the square foot area required by the Section 14-B of the Zoning Bylaw”** indicates that the members of the Zoning Board were well aware that each of the newly created lots would not comply with the zoning requirements for either a single-family or a two-family home.

It is the Applicants’ position that if it was the collective intent on the part of the members of the Zoning Board to limit construction of the new building to be built on lot B to a single-family home, the Decision would have stated that as a condition of the grant of zoning relief which of course it did not.

It is also the position of the Applicants that it can reasonably be inferred that the collective intent of the members of the Zoning Board was that the grant of relief did not limit the newly created lot B to a single-family home, but rather allowed construction of a two-family home even though ultimately a two-family home was not constructed on the lot subsequent to the 1955 Zoning Decision.

The Zoning Decision did not state the statutory reasons for the grant of relief for either a Special Permit or a Variance, but it is also clear that the time for an appeal being filed in connection with the Zoning Decision has long passed as the time for raising any defects in a Notice of a Decision is limited to the 20-day appeal period set forth within the provisions of Chapter 40A. Cappuccio v. Zoning Board of Appeals of Spencer, 398 Mass. 304, 311, (1986).

However, if the present Board has difficulty in reaching the result proposed by the Applicants, then alternatively they suggest that the present Application for a duplex dwelling on the lot would not have an adverse impact upon other properties in the mainly R2 Zone, would increase the availability of residential dwellings by one more unit in the Town which would comport with the intent of the master plan and would be an attractive addition to the neighborhood in no way derogating from the intent and purpose of the Bylaw.

The Applicants have filed the current request for relief as a Special Permit Request and not a Variance Request for the reason that most, if not all of the present zoning requirements would be satisfied with the Applicants’ construction plans except for the

6,000 square foot lot area requirement and as indicated previously, it is their position that in 1955 the Members of the Zoning Board intended that the subdivided was to be deemed a two-family lot notwithstanding that it did not contain 6,000 square feet which was the then lot area requirement.

Certain residents of Palmer Street have written to the Zoning Board of Appeals commenting upon the Applicants' plans.

The substance of the letter sent to the Zoning Board dated June 11, 2020 indicates that the residents do not take issue with the R2 Zone change but rather suggest that any new construction should take into account the Town's residential design guidelines.

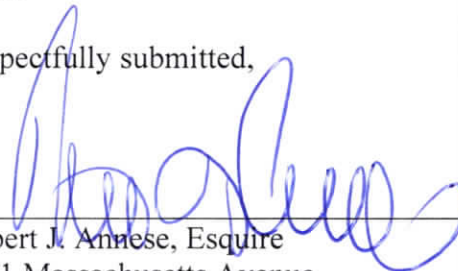
The Applicants suggest that efforts in that regard have been made with respect to their proposed construction plans and if one observes the physical characteristics of the Applicants' plans with respect to some of the photographs of the houses on Palmer Street and in the Palmer Street neighborhood, a reasonable inference can be drawn that the proposed construction would meld nicely with the physical characteristics of those houses.

In addition, it is fair to draw an inference that the proposed construction would be desirable to the public convenience or welfare as an additional residential unit will be added to a building lot in an R2 Zone, the use would not create new traffic congestion or unduly impair pedestrian safety and will not overload any municipal services.

Any special regulations for the use as may be provided in the Zoning Bylaw would be fulfilled and the proposed use would not impair the integrity or character of the district or adjoining districts nor be detrimental to the health and welfare and would certainly not by an addition to the neighborhood cause and excess of that use that could be detrimental to the character of the neighborhood. (Section 3.3.3 of the Zoning Bylaw).

For all of the above reasons, the Applicants request that their Application for a Special Permit be allowed authorizing construction of a two-family duplex residential dwelling on the lot identified as 83 Palmer Street i.e., Lot B.

Respectfully submitted,



Robert J. Annese, Esquire
1171 Massachusetts Avenue
Arlington, MA 02476
781-646-4911
law@robertannese.com

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. Crowley, 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)
)
 Petition of)
)
Carmine A. Lionetti and)
Anna A. Lionetti)

No. 411

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} ~~xx~~ 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 ~~xxx~~ 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 herewith 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

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

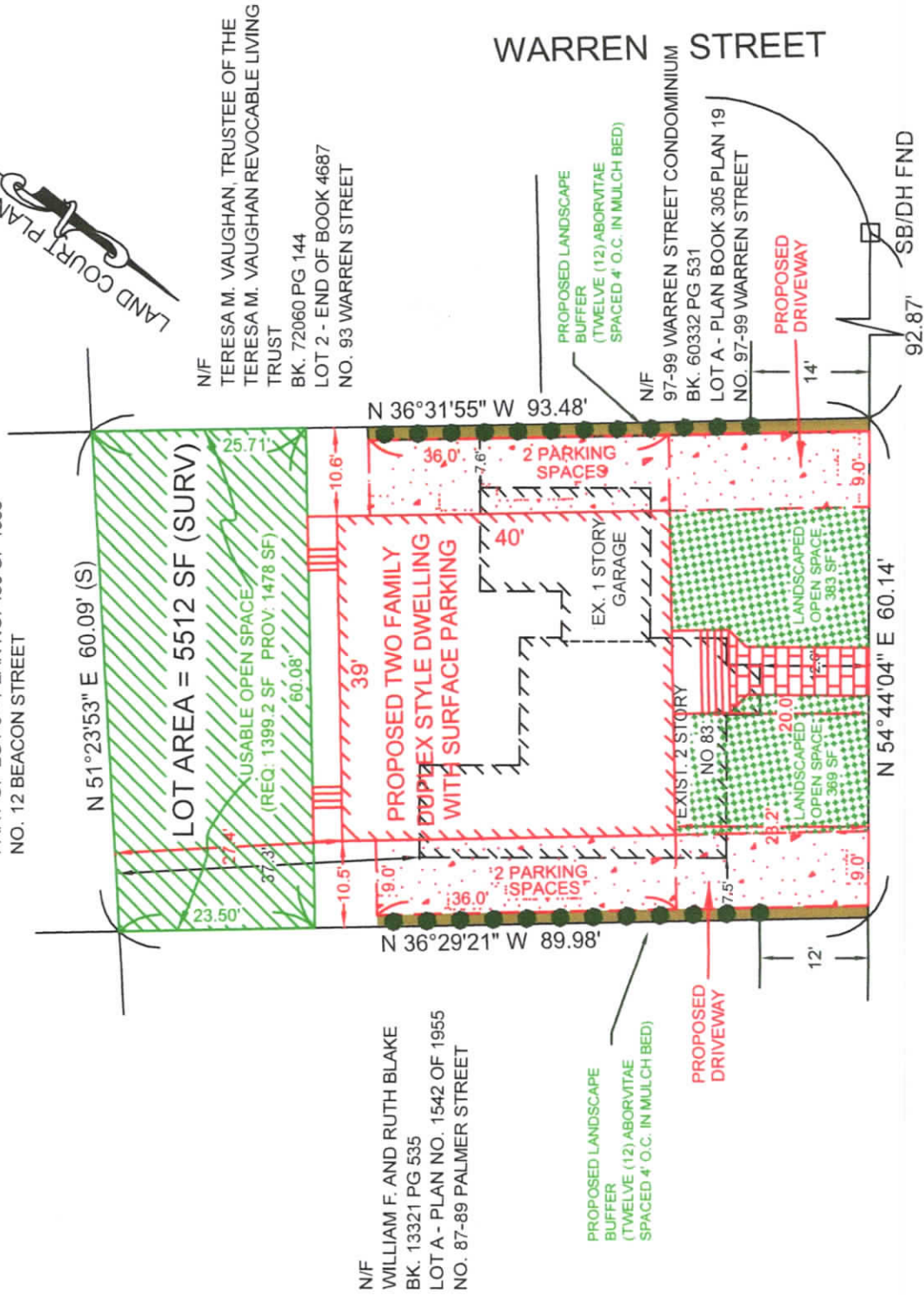
WARREN STREET

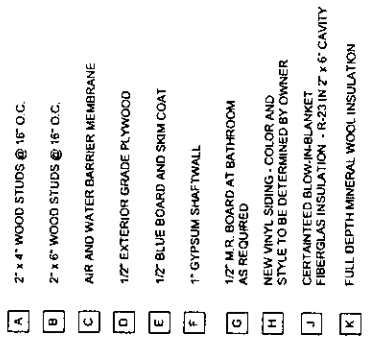
N/F
97-99 WARREN STREET CONDOMINIUM
BK. 60332 PG 531
LOT A - PLAN BOOK 305 PLAN 19
NO. 97-99 WARREN STREET

PALMER STREET (PUBLIC - 40.00' WIDE)



PLOT PLAN AND
LANDSCAPE PLAN





NOT TO SCALE

(A)	NEW 3'-0" x 5'-4" x 1 3/4" THERMA-TRU STEEL ENTRY DOOR #S5-255 WITH ENTRANCE LOCKSET
(B)	NEW 3'-0" x 5'-8" x 1 3/4" THERMA-TRU STEEL ENTRY DOOR #CS-128 L.E. WITH ENTRANCE LOCKSET
(C)	NEW 3'-0" x 6'-6" x 1 3/8" SOLID CORE WOOD, INTERIOR DOOR WITH LEVER STYLE CLOSET LOCKSET, DOOR STYLE TO BE DETERMINED BY THE OWNER.
(D)	NEW 2'-8" x 6'-6" x 1 3/8" SOLID CORE WOOD, INTERIOR DOOR WITH LEVER STYLE BEDROOM LOCKSET AT BEDROOMS, PASSAGE LOCKSET AT CELLAR DOOR, DOOR STYLE TO BE DETERMINED BY THE OWNER.
(E)	NEW 2'-6" x 6'-6" x 1 3/8" SOLID CORE WOOD, INTERIOR DOOR WITH LEVER STYLE BATHROOM LOCKSET, DOOR STYLE TO BE DETERMINED BY THE OWNER.
(F)	NEW 2'-0" x 6'-6" x 1 3/8" SOLID CORE WOOD INTERIOR BI-FOLD DOOR, WITH ALL REQUIRED OPERATING HARDWARE, DOOR STYLE TO BE DETERMINED BY THE OWNER.
(G)	NEW 4'-0" x 6'-6" x 1 3/8" SOLID CORE WOOD INTERIOR BI-FOLD DOOR, WITH ALL REQUIRED OPERATING HARDWARE, DOOR STYLE TO BE DETERMINED BY THE OWNER.
(H)	NEW 6'-0" x 6'-6" x 1 3/8" SOLID CORE WOOD INTERIOR BI-FOLD DOOR, WITH ALL REQUIRED OPERATING HARDWARE, DOOR STYLE TO BE DETERMINED BY THE OWNER.
(J)	NEW 2'-6" x 4'-4" x 1 3/8" TRUSTGARD INSULATED DOUBLE HUNG VINYL WINDOW #2446, SILL HEIGHT @ 28" A.F.F. LOW-E GLASS, ARGON FILLED WHITE, 6/6, WITH HALF SCREEN, SAFETY GLAZING AT ATTIC BATHROOM WINDOW. EMERGENCY ESCAPE WINDOW REQUIREMENTS.
(L)	NEW 2'-2" x 4'-4" x 1 3/8" TRUSTGARD INSULATED DOUBLE HUNG VINYL WINDOW #2446-2, SILL HEIGHT @ 28" A.F.F. LOW-E GLASS, ARGON FILLED, WHITE, 6/6, WITH HALF SCREEN, SAFETY GLAZING AT ATTIC BATHROOM WINDOW. EMERGENCY ESCAPE WINDOW REQUIREMENTS.
(M)	NEW 7'-6" x 3'-6" x 1 3/8" TRUSTGARD INSULATED DOUBLE HUNG VINYL WINDOW #2432, SILL HEIGHT @ 44" A.F.F. LOW-E GLASS, ARGON FILLED, WHITE, 6/6, WITH HALF SCREEN, SAFETY GLAZING AT ATTIC BATHROOM WINDOW.
(N)	WITH 4'-1" x 1'-2" TRUSTGARD INSULATED TRANSLUCENT VINYL WINDOW #4010YR FIELD COORDINATE EXACT LOCATION, WHITE.
(P)	NEW BILCO SIZE "C" CLASSIC SERIES STEEL, BASEMENT DOOR, 55" x 72" WITH 24" EXTENSION, FINISH PER OWNERS DIRECTION.

BOTH SIDES OF THIS STRUCTURE ARE TO BE SIMILAR. ALL DIMENSIONS, WALL TYPES, AND NOTES SHOWN ON ONE SIDE ALSO APPLY TO THE OTHER.

CONTRACTOR IS TO REMOVE ALL DEMOLITION AND CONSTRUCTION DEBRIS FROM THE SITE.

ALL FINISHES (PAINTS, TRIMS, FLOORING, CABINERY, BUILT-INS, KITCHEN EQUIPMENT, AND PLUMBING FIXTURES) ARE TO BE DETERMINED BY THE OWNER.

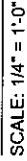
G.C. IS RESPONSIBLE FOR ALL PLUMBING, ELECTRICAL, HVAC WORK, AND VENTILATION TO CODE

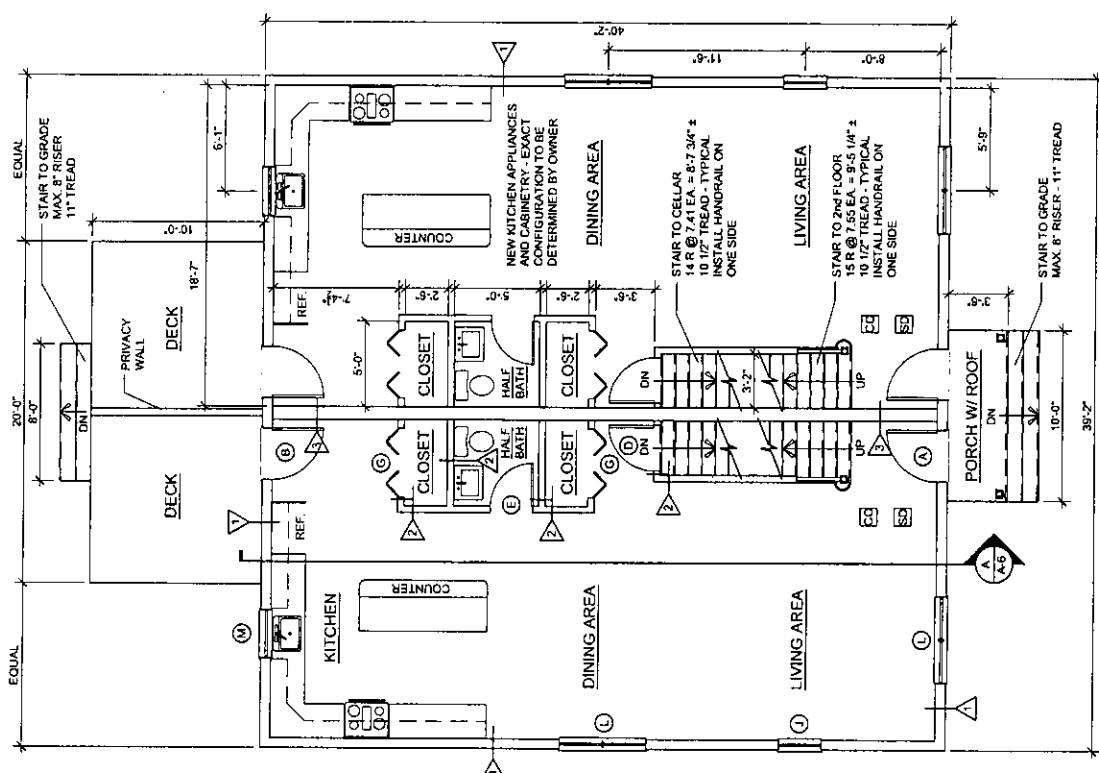
FIELD VERIFY ALL EXISTING CONDITIONS PRIOR TO THE START OF ANY WORK.

ALL WORK TO CONFORM TO ALL STATE CODES AND LOCAL ZONING ORDINANCES

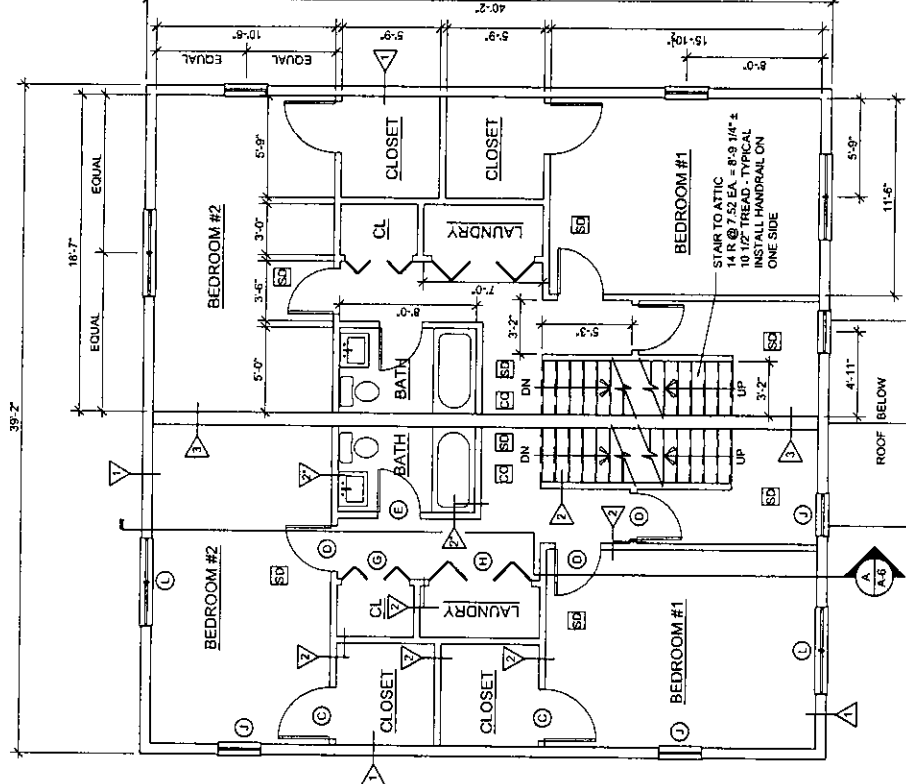
CC CARBON MONOXIDE ALARM

SD PHOTOELECTRIC SMOKE DETECTOR

[illegible]



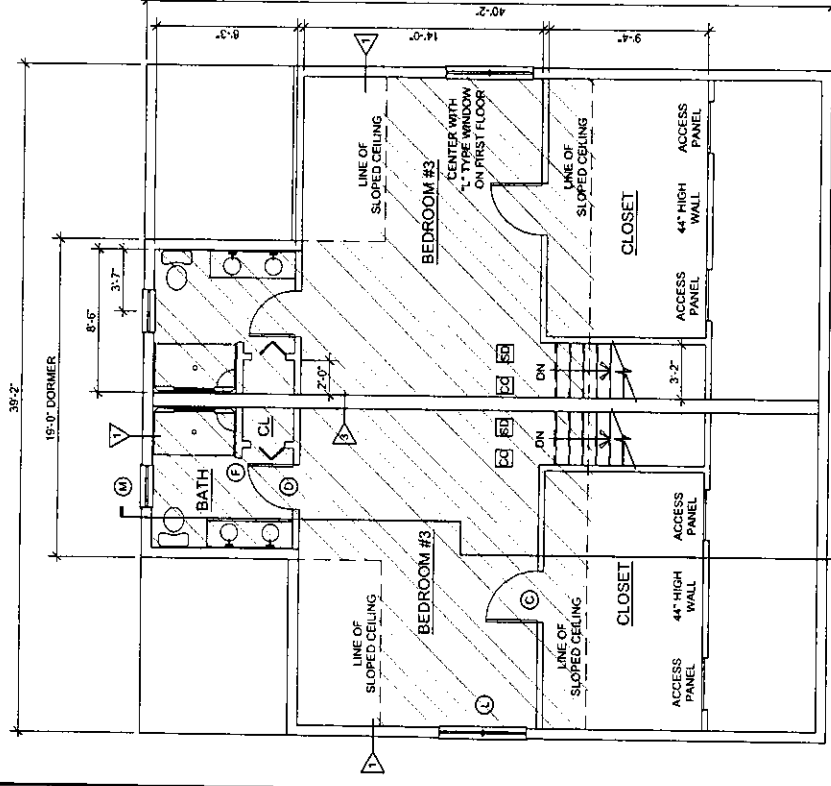
FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"



LIFE SAFETY LEGEND

CO CARBON MONOXIDE ALARM

SD PHOTOELECTRIC SMOKE DETECTOR

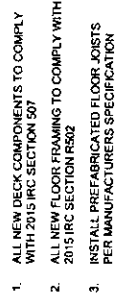


ATTIC FLOOR PLAN (HALF STORY)

SCALE: 1/4" = 1'-0"

ZONING SUMMARY:
FLOOR AREA UNDER EXISTING ROOF = 1,572 SQUARE FEET
PROPOSED FLOOR AREA WITH CEILING 7'-3" OR HIGHER = 694 SQUARE FEET
AREA WITH CEILING 7'-3" OR HIGHER (HATCHED) = 44.1%

PROPOSED ATTIC CONFORMS WITH THE "DEFINITION OF HALF STORY" PER ARTICLE 2 OF THE TOWN OF ARLINGTON ZONING BYLAWS



SCALE: 1/4" = 1'-0"



REV	DATE	DESCRIPTION
1	10/1/2011	10/1/2011
2	10/1/2011	10/1/2011
3	10/1/2011	10/1/2011
4	10/1/2011	10/1/2011
5	10/1/2011	10/1/2011
6	10/1/2011	10/1/2011
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85	10/1/2011	10/1/2011
86	10/1/2011	10/1/2011
87	10/1/2011	10/1/2011
88	10/1/2011	10/1/2011
89	10/1/2011	10/1/2011
90	10/1/2011	10/1/2011
91		

PROJECT: PROPOSED RESIDENCE
83 PALMER STREET
ARLINGTON, MA

DATE: 11/2/21	SCALE: AS NOTED	DRAWN BY:
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A-4

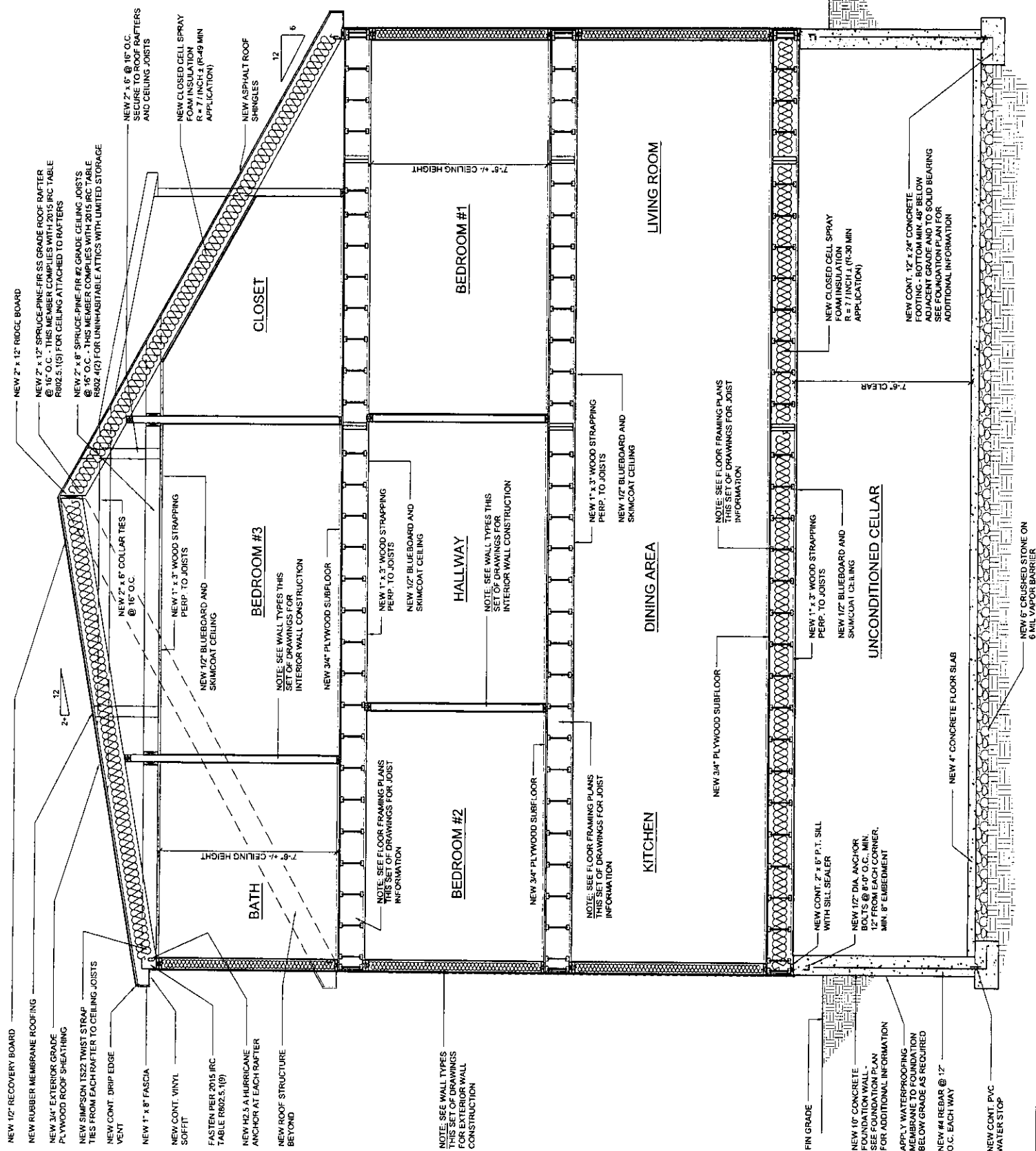
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PROPOSED RESIDENCE
83 PALMER STREET
ARLINGTON, MA

9-V

BUILDING SECTION

SCALE: 1/2" = 1'-0"



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%	28.9%	max 35%
10. Lot Area per Dwelling Unit (Sq. ft.)	N/A	N/A	min.
11. Front Yard Depth (ft.)	16.5 ft	20.0 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	27.4 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%	2230/4664 = 47.8%	min. 10%
18. Usable Open Space (% of GFA) Sq. ft. _____	2238/2150 = 104%	1478/4664 = 31.7%	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>	<u>EXISTING</u>	<u>PROPOSED</u>
Total lot area	5,512 sq ft	5,512 sq ft
Open Space (Usable)*	2238 sq ft	1478 sq ft
Open Space (Landscaped)	3549 sq ft	2230 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 31.7%

Proposed Landscaped Open Space Percent of GFA 47.8%

This worksheet applies to plans dated 11/2/21 designed by Plot Plan by D & A Survey Associates, Inc

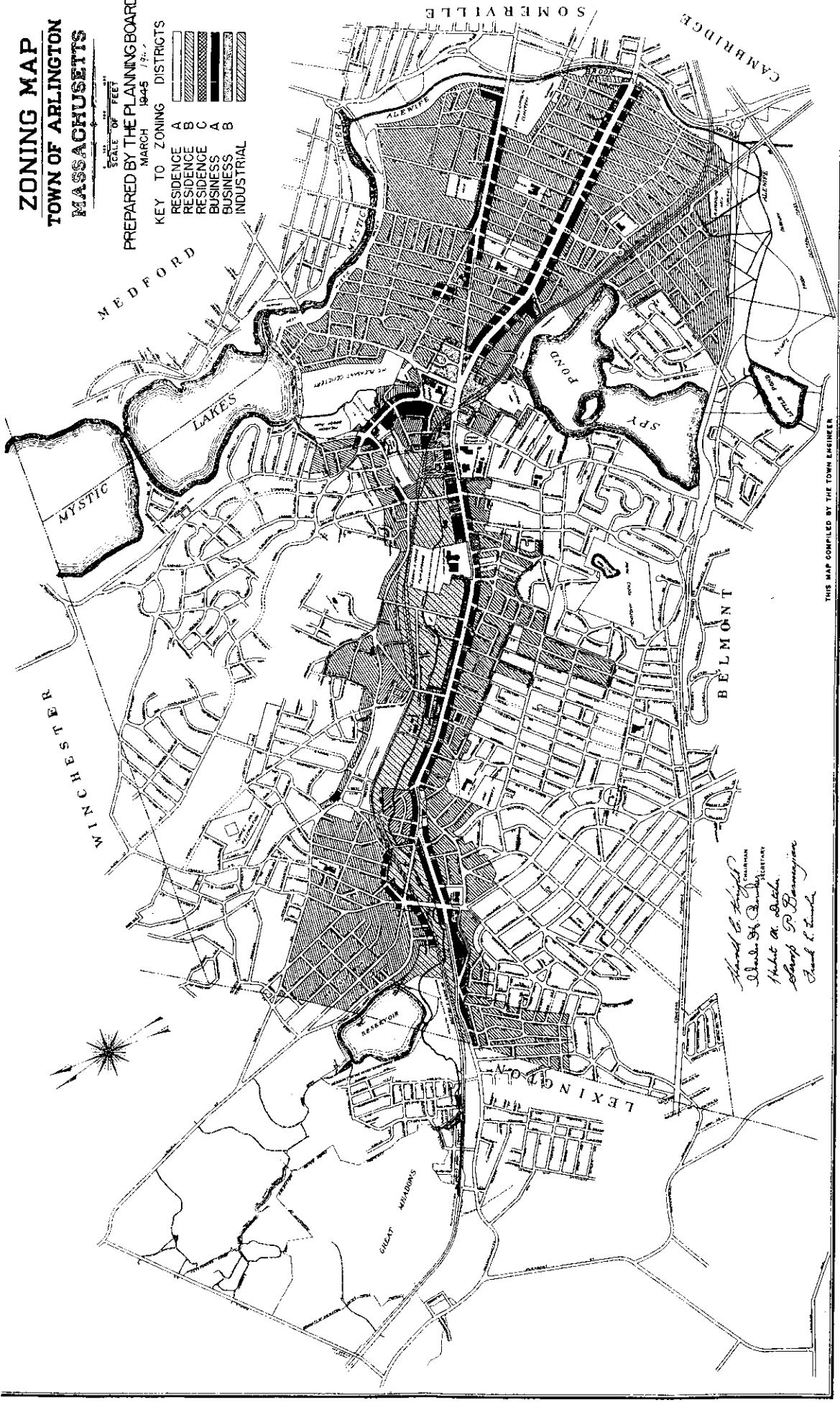
Reviewed by Inspectional Services _____ Date: _____

ZONING MAP TOWN OF ARLINGTON MASSACHUSETTS

PREPARED BY THE PLANNING BOARD
MARCH 1945

- KEY TO ZONING DISTRICTS
- RESIDENCE A
 - RESIDENCE B
 - RESIDENCE C
 - BUSINESS A
 - BUSINESS B
 - INDUSTRIAL

SCALE OF FEET
0 100 200 300 400 500



THIS MAP COMPILED BY THE TOWN ENGINEER

Handwritten signatures and names:
 Daniel C. Lloyd
 William H. Smith
 William H. Smith
 Charles P. Pennington
 Charles P. Pennington

ZONING BY-LAW
for the
TOWN OF ARLINGTON
MASSACHUSETTS

as amended to
OCTOBER 15, 1954



TABLE OF CONTENTS

	Page
DISTRICTS	
Section 1. Establishment of Districts	1
Section 1-A. District Boundaries	1
ADMINISTRATION AND ENFORCEMENT	
Section 2. Enforcement.	2
Section 3. Occupancy Permit.	2
Section 4. Zoning Board of Appeals	3
Section 4-A. Exceptions and Variances	4
Section 5. Amendments.	5
GENERAL PROVISIONS	
Section 6. Definitions	6
Section 7. Non-Conforming Buildings and Uses	9
Section 8. Use of Land	9
Section 9. Restrictions Affecting All Districts	9
Section 10. Access and Parking for Business and Industrial Buildings	10
Section 11. Corner Clearance in Residential Districts	10
Section 12. Reduction of Lot Area	10
Section 12-A. Location of Private Garages.	10
RESIDENCE A DISTRICTS	
Section 13. Use Regulations.	11
Section 13-A. Area Regulations	11
Section 13-B. Height and Area Regulations.	12
RESIDENCE B DISTRICTS	
Section 14. Use Regulations.	12
Section 14-A. Area Regulations	12
Section 14-B. Height and Area Regulations.	13
RESIDENCE C DISTRICTS	
Section 15. Use Regulations.	13
Section 15-A. Building Coverage and Court Regulations	13
Section 15-B. Parking Spaces	14
Section 15-C. Height and Area Regulations.	14
RESIDENCE D DISTRICTS	
Section 15-1. Use Regulations	14
Section 15-2. Building Coverage and Court Regulations	15
Section 15-3. Parking Spaces.	15
Section 15-4. Height and Area Regulations	15

5. Whenever any uncertainty exists as to the exact location of a boundary line, the location of such line shall be determined by the Inspector of Buildings, provided, however, that any person aggrieved by his decision may appeal to the Zoning Board of Appeals, as provided in Section 4.

ADMINISTRATION AND ENFORCEMENT

Section 2. Enforcement

1. This by-law shall be enforced by the Inspector of Buildings appointed under the building code of the Town of Arlington, and no permit shall be granted for the construction, alteration, re-location or use of any building or structure, if the building or structure as constructed, altered, re-located or used would be in violation of any provision of this by-law. Whenever such permit or license is refused because of some provisions of this by-law, the reason therefor shall be clearly stated in writing.

2. If the Inspector of Buildings shall be informed, or have reason to believe, that any provision of this by-law has been, is being or may be violated, he shall make or cause to be made an investigation of the facts and inspect the property where the violation may exist. If he shall find any such violation he shall give notice thereof in writing to the owner or to his duly authorized agent and to the occupant of the premises, and order that any use of any building contrary to the provisions of this by-law shall immediately cease.

3. If, after such notice, the premises are continued to be used in a manner contrary to the provisions of this by-law, or if any such owner or occupant shall fail to obey any lawful order of the Inspector of Buildings in respect to any violation or use contrary to the provisions of this by-law, the Inspector of Buildings with the approval of the Board of Selectmen may, and if required by them shall, institute appropriate legal proceedings to enforce the provisions of this by-law or to restrain by injunction any violation thereof, or both, and shall do all further acts, revoke the permit for occupancy, institute and take any and all such action as may be necessary to enforce the provisions of this by-law.

Section 3. Occupancy Permit

1. No building hereafter erected, altered substantially in its use or extent or relocated shall be used, and no change shall be made of the use of any building or of any parcel of land, unless an occupancy permit signed by the Inspector of Buildings has been granted to the owner or occupant of such land or building. Such permit shall not be granted unless the

proposed use of the land and building and all accessory uses comply in all respects with this by-law and no use shall be made of such land or building that is not authorized by such occupancy permit.

Section 4. Zoning Board of Appeals

1. A Zoning Board of Appeals is hereby established, to consist of three members to be appointed by the Board of Selectmen. All members of said Zoning Board shall be residents of the Town of Arlington, and one member shall be an Attorney-at-Law, and at least one of the remaining members shall be a registered architect or a registered civil engineer. The appointments first made shall be for the term of one, two, and three years respectively, so that the terms of one member shall expire each year. All subsequent appointments shall be for the term of three years. When the appointments are first made the Board of Selectmen shall also appoint two associate members for the term of two years each, such as member shall act in any case in which he shall be interested, and in case any member or members shall be so disqualified, or because of absence from the town, or any other cause, he or they shall be unable to act, the remaining member or members shall, in a written statement, filed with the secretary, so certify, and name an associate member or members to act upon the particular matter. Whenever said associate member or members shall serve, he or they shall have all the powers conferred upon a regular member. If two or more members are absent or disqualified, the Board of Selectmen may appoint substitutes to act during such absence or disqualification. The said Zoning Board of Appeals shall organize yearly, choosing a chairman and a secretary.

2. The Board shall adopt rules, not inconsistent with the provisions of the by-laws of the Town, for conducting its business and otherwise carrying out the purposes of the Zoning by-laws. Meetings of the Board shall be held at the call of the chairman, and also when called in such manner as the board shall determine in its rules. Such chairman, or in his absence the acting chairman, may administer oaths, summon witnesses and call for the production of papers. All hearings of the Board shall be open to the public. The Board shall cause to be made a detailed record of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and setting forth clearly the reason or reasons for its decisions, and of its other official actions, copies of all of which shall be immediately filed in the office of the town clerk and shall be a public record, and notice of decisions shall be mailed forthwith to parties in interest as hereinafter designated.

3. Any person aggrieved by the refusal of the Inspector of Buildings to issue a permit or license on the grounds of noncompliance with the Zoning by-laws may appeal to the Zoning Board of Appeals as provided in Chapter 40 of the General Laws and any amendments thereto.

4. No appeal or petition and no application for a special exception to the terms of this by-law which has been unfavorably acted upon shall be considered by the Zoning Board of Appeals within two years after the date of such unfavorable action except with the consent of all the members of the Planning Board.

5. Any person or persons desiring to obtain the permission of the Zoning Board of Appeals for any purpose for which such permission is required under the provisions of this by-law shall make application in writing therefor to the Zoning Board of Appeals which shall, within a reasonable time, hold a public hearing thereon, seven days' public notice of which shall be given.

6. The Zoning Board of Appeals shall also, at least ten days prior to the hearing, send or deliver written notice to all the owners of real estate opposite to or abutting on the property in connection with which any permission is sought, and to such others as the Zoning Board of Appeals may order or by regulation prescribe, and shall, at least ten days before the hearing, post a notice of the hearing, upon the property in a conspicuous location, adjacent to a street on which the property is situated, stating the nature of the petition in connection with which permission is sought. A copy of this notice shall be posted on the Bulletin Board at the Town Hall.

7. In the case of an appeal involving a change in use of land or building the Zoning Board of Appeals shall hold a joint meeting with the Planning Board to discuss the matter, preferably before the date of the public hearing or in any event before final action is taken by the Zoning Board of Appeals.

Section 4-A. Exceptions and Variances

1. The Zoning Board of Appeals may on petition, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the by-law in harmony with its general purpose and intent, in the following cases:

- (a) It may permit in a Residence A District the alteration of a single family dwelling as a residence for not more than two families, provided that the external appearance of a single family dwelling be retained so far as reasonably practical.

- (b) It may permit in a Residence A District or B District a hospital, sanitarium or other medical institution.
- (c) It may permit the rebuilding, repair or extension of a non-conforming use as provided in Section 7, Paragraph 3.

2. The Zoning Board of Appeals may also authorize variances in particular cases as provided in Section 30 to 30A of Chapter 40 of the General Laws or acts in amendment thereof and in addition thereto. The grant of such variances may be of indefinite duration, or for periods not exceeding one year. Such temporary grants of variances may be renewed from time to time, except that in the case of a new building or of an addition to an existing building, the aggregate of the periods covered by such temporary grants and the extensions thereof shall not exceed two years.

Section 5. Amendments

1. A copy of every petition for the amendment, modification or repeal of this by-law, including the Zoning Map and the boundary lines of the districts thereon, and of every article submitted or to be submitted to the Selectmen for insertion in the warrant for any Town Meeting relating to any such amendment, modification or repeal, shall be filed with the Planning Board on or before the date when such article is submitted to the Selectmen for insertion in the warrant.

2. The Planning Board, upon the request in writing of not less than ten registered voters of the Town shall, or upon its own initiative may, hold a public hearing for the consideration of any proposed amendment, modification or repeal of this by-law, provided that where a petition is filed such petition shall show that copies of the petition have been sent by registered mail to all abutters of the land referred to in the petition. The Planning Board shall report to the Town Meeting its recommendations with respect to the action to be taken thereon. Notice of such hearing shall be given by publication in a newspaper of general circulation in the Town, the first publication to be not less than ten days before the date as signed for the hearing.

3. No action shall be taken at any Town Meeting upon any proposed amendment, modification or repeal of this by-law unless a public hearing has been held thereon in the manner prescribed in the preceding paragraph, and the recommendations of the Planning Board have been reported to the Town Meeting, or twenty days have elapsed after such hearing without a submission of a report of its recommendations by the Planning Board to the Town Meeting; and no amendment, modification or repeal of this by-law shall be made except by two-thirds vote of a town meeting.

4. No proposed amendment to this by-law which has been unfavorably acted upon by the Town Meeting shall be considered on its merits within two years after the date of such unfavorable action unless the adoption of such an amendment is recommended in the final report of the Planning Board required by Section 27 to 27A of Chapter 40 of the General Laws.

GENERAL PROVISIONS

Section 6. Definitions

1. Unless otherwise expressly stated, the following terms shall for the purpose of this by-law, have the meanings indicated.

2. Words used in the present tense include the future. Words used in the masculine gender include the feminine and neuter; and in the feminine or neuter, the masculine. Words used in the singular number include the plural; and in the plural, the singular. "Lot" includes "plot"; "building" includes "structure"; "occupied" includes "designated or intended to be occupied"; and the "used" includes "designated or intended to be used".

"Accessory Use"--Is the use of a building or premises for a purpose customarily incidental to a use permitted in the district in which it is located.

"Alteration"--A change in a building which modifies its location, plan, manner of construction or the kind of materials used or in any way varies the character of its use.

"Apartment"--A portion of a building used as a dwelling by one family.

"Apartment House"--Any building containing three or more apartments.

"Basement"--That part of a building which has more than one-half of its clear height below the level of the finished grade.

"Boarding House (Home)"--A house in which a regular service of meals is furnished for persons for a remuneration.

"Building, existing"--A building already erected upon the effective date of this by-law.

"Building, new"--A building erected after the effective date of this by-law.

"Building, line"--The line established by law, beyond which a building shall not extend, except as specifically provided by law.

"Commercial Vehicle"--Any truck, tractor, cart or wagon, whether or not marked to indicate a business use, as well as any passenger car on which is painted or otherwise permanently affixed any writing to designate the business use or affiliation of the said car in the business, profession or occupation of the owner or user, shall be deemed to be a commercial vehicle for the purposes of this by-law.

"Corner lot"--Is a lot at the junction of and fronting on two or more intersecting streets or ways. Only that portion of the lot having a frontage on any one street of 150 feet or less shall be considered a corner lot. On a corner lot the front yard setback requirements must be complied with on each street.

"Court"--An unoccupied space other than a yard, inclosed on three or more sides and on the same lot as the building, but open to the sky, unobstructed by roof, sky-light or other appendages. A court which extends to the street, rear yard, front yard or side yard is an "Outer Court"; a court that does not thus extend is an "Inner Court".

"Duplex House"--Is a house containing two apartments adjoining side by side; that is, in which no part of one apartment is over any part of the other apartment. A duplex house shall be considered as one main building occupying one lot for the purpose of determining yard requirements.

"Dwelling"--A house or building or portion thereof which is occupied by one or more families doing their cooking on the premises.

"Family"--Is a number of individuals living together as a single housekeeping unit and doing their cooking upon the premises.

"Front Yard"--Is a space across the full width of the lot and extending from the front line of the building on such lot to the front line of such lot.

"Frontage"--The front part of a building or lot abutting on a public or private way. A corner lot fronts on the street on which it is numbered.

"Garage"--Any building, or part thereof, wherein is kept or stored one or more motor vehicles, or wherein the painting, repairing or greasing of motor vehicles is performed.

"Garage, private"--A garage in which no business or industry connected directly or indirectly with motor vehicles is carried on and in which only passenger cars are housed.

"Gross Floor Area"--The gross floor area of a building is the total area of all floors, including basement and mezzanines, measured to the exterior walls of the building, and including partitions, stairhalls, corridors and covered porches.

"Half Story"--Is any story which is under a sloping roof, where the point of intersection of the tops of the rafters and the face of the wall is less than three (3) feet above the floor level.

"Height of Building"--Is the vertical distance of the highest point of the roof above the mean finished grade of the ground adjoining the building, excluding penthouses, bulkheads and other allowable superstructures above the roof.

"Lot"--Is the parcel of land on which a Principal building and its accessories are placed, together with the required open spaces.

"Lot Line"--Is a division line between adjoining properties or a division line between individual lots established by a plan filed in the Registry of Deeds or Land Court.

"Occupancy"--Use or occupancy of a building, character of use, or designated purpose of a building or structure or portion thereof.

"Penthouse"--Is a small structure built upon the roof.

"Rear Yard"--Is a space across the full width of a lot and extending from the rear foundation line of the building located on such lot to the rear line of such lot.

"Rooming or Lodging House"--A house in which a business is made of renting rooms.

"Sanatorium or Sanitarium"--An establishment for the reception and treatment of invalids or convalescents where conditions are favorable and beneficial to the patient.

"Side Yard"--Is a space extending from the front yard to the rear yard between a building and the adjacent side line of the lot on which said building is located.

"Story"--That part of a building between any floor and the floor or roof next above.

For the purpose of this by-law, where a building is not divided into stories, a story shall be considered fifteen feet in height, provided that steeples, penthouses, cupolas, stage lofts, etc., shall not be considered as additional stories. A basement or cellar, the ceiling of which extends more than four feet, six inches above the average finished grade, shall be a story within the meaning of this by-law.

"Street Line"--The dividing line between a street and a lot.

"Two-Family House"--Is a house containing two apartments, in which part of an apartment is over part of the other apartment. (See Duplex House.)

Section 7. Non-Conforming Buildings and Uses

1. This by-law and any amendment thereof shall not apply to buildings existing at the time of its taking effect or to the existing use of buildings or land.

2. If any building existing at the time this by-law takes effect is then legally used in whole or in part for a purpose for which a new building may not be constructed or used under the provisions of this by-law, this by-law shall not prohibit the changing of such use of such building or part to a use which is not substantially different from the existing use, provided the building is not altered structurally and provided further that the new use is not prohibited in the most restricted zone in which the present use would be permitted. However, no non-conforming use which is changed to a conforming use shall be permitted to revert to a non-conforming use.

3. Any building or part of a building which, at the time of the adoption of this amendment, is being legally put to a use not conforming with the regulations of the district in which it is situated may continue to be used for the same purpose or for purposes not substantially different, and may be repaired; but no nonresidential building, if destroyed to the extent of 75% of its value above the foundation, shall be rebuilt for non-conforming use. No non-conforming building shall be extended or enlarged except by permission of the Zoning Board of Appeals. The Zoning Board of Appeals may grant permission if such rebuilding, extension or enlargement would be in harmony with the general purpose and intent of this by-law, and not otherwise.

Section 8. Use of Land

The use of land for any purpose other than those specifically provided for in these by-laws is hereby forbidden. No sod, loam, sand, gravel or quarry stone shall be removed for sale (except when incidental to and in conformity with the construction of a building for which a permit has been issued in accordance with the Building Laws,) except by permission of the Zoning Board of Appeals, such permission being obtained in accordance with the procedure provided in Section 4 and only when such permission would be in harmony with the general purpose and intention of this by-law and under such conditions as the Zoning Board of Appeals may impose. However, nothing contained in this section, or any amendment thereof, shall prevent the continued use of any land for the purpose for which it is legally being used at the time this section or any amendment thereof takes effect.

Section 9. Restrictions Affecting All Districts

No new building or part thereof shall be constructed or used, and no premises shall be used, and no building or part

thereof shall be altered, enlarged, reconstructed, or used under the conditions designated as (a) and (b) of this section in any part of the town.

- (a) For any purpose which by the emission or discharge of fumes, vapor, gas dust, offensive odors, chemicals, poisonous fluids, or substances, refuse, organic matter or excrement, the causing of noise or vibrations, or by unduly increasing the risk from fire or explosion, or otherwise, would be dangerous or injurious to the public health or safety.
- (b) For any purpose which would be for any reason injurious to the health, safety, morals or welfare of the community or harmful to property therein.

Section 10. Access and Parking for Business and Industrial Buildings

No driveway or other means of access for vehicles other than a public street and no parking space for private automobiles or commercial vehicles shall be maintained or used in any residence district to serve business or industrial buildings located in a business or industrial district.

Section 11. Corner Clearance in Residential Districts

Between the property lines of intersecting streets and a line joining points on such lines twenty feet distant from their point of intersection or in the case of a rounded corner, the point of intersection of their tangents, no building or structure in any residence district may be erected and no vegetation other than shade trees may be maintained between a height of three feet and seven feet above the plane through their curb grades.

Section 12. Reduction of Lot Area

No lot on which is located any building used for residence purposes in any district shall be reduced or changed in area or shape so that the building or lot fails to comply with the provisions of this by-law. This Section, however, shall not apply in the case of a lot a portion of which is taken for a public purpose.

Section 12-A. Location of Private Garages

Private garages shall be located not less than five feet from any other building except that such garages of first or second class fire protected construction may be located adjacent to any other building.

RESIDENCE A DISTRICTS

Section 13. Use Regulations

In the Residence A districts, no new buildings or part thereof shall be constructed or used and no building or part thereof shall be altered, enlarged, reconstructed or used, and no land shall be used for:

- (a) Any industry, trade, manufacturing or commercial purposes;
- (b) Any purpose except one or more of the following:
 1. Single family detached dwelling house
 2. Physician's (M.D.) office in residence
 3. Farm (except the raising of livestock or poultry) or market garden but in no case shall goods or produce be sold that are not the natural products of the premises in question.
 4. Such accessory purposes as are customary or usual in connection with any of the foregoing purposes and are incidental thereto, including a private garage for not more than two cars.
 5. Church, school (except a music, dancing or riding academy) library or museum, hospital, sanatorium (or other medical institution) or a public utility building, provided the approval of the Zoning Board of Appeals is obtained in the manner set forth in Sections 4 and 4A. In no case, however, shall a public utility building be used for the general garaging or dispatching of automobiles or for the storage of materials for construction or maintenance purposes.
 6. Storing or keeping, for more than four hours, of a commercial vehicle within an accessory garage for not more than two cars and which garage, except for storing or keeping of the vehicle in question, would be a private garage.

Section 13-A. Area Regulations

1. Lot Area. In the Residence A districts, no lot shall have a frontage of less than sixty feet or an area of less than six thousand square feet and no building or buildings on any one lot, including garages, stables and other accessory buildings, shall be constructed, altered, enlarged, reconstructed or moved, so as to have an average gross floor area per story of more than 35 per cent of the area of the lot, provided, however, that this restriction shall not prohibit the erection of a private garage for not more than two cars which is accessory to and used with a building existing when this by-law takes effect and used as a residence for a single family.

2. Building Area. No one-story house shall have a floor area of less than 700 square feet. No house more than one story in height shall have a first floor area of less than 500 square feet or a second floor area of less than 250 square feet. Of the second floor area at least 125 square feet must have a clear head room of 7 feet.

Section 13-B. Height and Area Regulations

The height and area regulations in the Residence A district are hereby established as set forth in the "Schedule of Height and Area Regulations" attached hereto.

RESIDENCE B DISTRICTS

Section 14. Use Regulations

In the Residence B districts, no new building or part thereof shall be constructed or used and no building or part thereof shall be altered, enlarged, reconstructed or used, and no land shall be used for:

- (a) Any industry, trade, manufacturing or commercial purpose;
- (b) Any purpose except one or more of the following:
 1. Any use which is permitted in a Residence A district.
 2. Two-family or duplex houses.
 3. Such accessory purposes as are customary or usual in connection with two-family or duplex houses and are incidental thereto, including a private garage for not more than two cars.

Section 14-A. Area Regulations

1. Lot Area. In the Residence B districts, no lot shall have a frontage of less than sixty feet or an area of less than six thousand square feet and no building or buildings on any one lot, including garages, and other accessory buildings, shall be constructed, altered, enlarged, reconstructed or moved so as to have an average gross floor area per story of more than 35 per cent of the area of the lot, provided, however, that this restriction shall not prohibit the erection of a private garage for not more than two cars which is accessory to and used with a building existing when this by-law takes effect and used as a residence.

2. Building Area. (a) No one-family, one-story house shall have a floor area of less than 700 square feet. No one-family house more than one story in height shall have a first floor area of less than 500 square feet or a second floor area of less than 250 square feet. Of the second floor area at least 125 square feet must have a clear head room of 7 feet.

(b) No duplex house shall have a floor area of less than twice that required for one-family buildings, as stated in the preceding paragraph.

(c) No two-family house shall have a floor area of less than 700 square feet per family unit, including stairways.

Section 14-B. Height and Area Regulations

The height and area regulations in the Residence B districts are hereby established as set forth in the "Schedule of Height and Area Regulations" attached hereto.

RESIDENCE C DISTRICTS

Section 15. Use Regulations

In Residence C districts, no new building or part thereof shall be constructed or used and no building or part thereof shall be altered, enlarged, reconstructed or used, and no land shall be used for:

- (a) Any industry, trade, manufacturing or commercial purpose;
- (b) Any purpose except one or more of the following:
 1. Any use which is permitted in a Residence B district.

2. Apartment House

3. Boarding house or lodging house

4. Such accessory purposes as are customary or usual in connection with any of the foregoing purposes and are incidental thereto, including a private garage.

Section 15-A. Building Coverage and Court Regulations

1. In the Residence C districts, no building or buildings including garages shall be constructed, altered, enlarged, re-

constructed or moved in such a way as to cover more than 35 per cent of the area of the lot for a building five stories in height, more than 40 per cent for a four-story building, or more than 50 per cent for a building of three stories or less.

2. Inner courts shall not be permitted in any building. Outer courts shall have a minimum width of 25 feet or two-thirds the average height of the walls surrounding the court, whichever is the greater. In no case shall an outer court have a depth greater than its width unless such width exceeds 50 feet, in which case the maximum depth permitted shall be one and one-half times the width.

Section 15-B. Parking Spaces

In the Residence C districts, automobile parking spaces shall be required off-street on land associated with each residential structure containing dwellings for three or more families erected after the date of adoption of this amendment, accessible and usable spaces to be available in the ratio of at least 250 square feet of such space (open or covered) for each dwelling unit in each such structure. Said off-street parking spaces shall not be within 15 feet of any street line nor in the front yard of any building unless within an underground or basement garage not opening directly onto the frontage street. All parking facilities so provided are to be for the exclusive use of residents of the property or their guests.

Section 15-C. Height and Area Regulations

The height and area regulations in the Residence C districts are hereby established as set forth in the "Schedule of Height and Area Regulations" attached hereto. Single and two-family houses constructed in a Residence C district shall be required to conform to the minimum area and yard requirements of the Residence B districts.

RESIDENCE D DISTRICTS

Section 15-1. Use Regulations

In Residence D districts, no new building or part thereof shall be constructed or used and no building or part thereof shall be altered, enlarged, reconstructed or used, and no land shall be used for:

- (a) Any industry, trade, manufacturing or commercial purpose;
- (b) Any purpose except one or more of the following:

- 1. Any use which is permitted in a Residence A district.
- 2. Apartment House
- 3. Such accessory purposes as are customary or usual in connection with any of the foregoing purposes and are incidental thereto, including a private garage.

Section 15-2. Building Coverage and Court Regulations

- 1. In the Residence D districts, no building or buildings including garages shall be constructed, altered, enlarged, reconstructed or moved in such a way as to cover more than 35 per cent of the area of the lot.
- 2. Inner courts shall not be permitted in any building. Outer courts shall have a minimum width of 50 feet. In no case shall an outer court have a depth greater than one and one-half times its width.

Section 15-3. Parking Spaces

In the Residence D districts, automobile parking spaces shall be required off-street on land associated with each residential structure containing dwellings for three or more families erected after the date of adoption of this amendment, accessible and usable spaces to be available in the ratio of at least 250 square feet of such space (open or covered) for each dwelling unit in each such structure. Said off-street parking spaces shall not be within 15 feet of any street line nor in the front yard of any building unless within an underground or basement garage not opening directly onto the frontage street. All parking facilities so provided are to be for the exclusive use of residents of the property or their guests.

Section 15-4. Height and Area Regulations

The height and area regulations in the Residence D districts are hereby established as follows:

Height	50 feet--four stories	
Front yard min. depth in feet		35 feet
Side yard min. width in feet		25 feet
Rear yard min. depth in feet		25 feet
Maximum occupancy in per cent		35 per cent

Single family houses constructed in a Residence D district shall be required to conform to the minimum area and yard requirements of the Residence A districts.

Where a building faces one or more streets, each such face shall be considered the front in determining set back requirements.

(As amended by creating this additional district, and adding Sections 15-1 to 15-4, inclusive)

BUSINESS A DISTRICTS

Section 16. Use Regulations

In the Business A districts, no new building or part thereof shall be constructed or used and no building or part thereof shall be altered, enlarged, reconstructed or used and no land may be used for any purpose except one or more of the following:

- (1) Any purpose which is authorized or may be permitted in the Residence C districts
- (2) Restaurant or other eating place
- (3) Store, salesroom, or showroom for the conduct of retail business
- (4) Public or semi-public building
- (5) Barber shop or beauty parlor
- (6) Funeral home
- (7) Office or bank
- (8) Public garage or gasoline filling station, provided the approval of the Zoning Board of Appeals is obtained in the manner set forth in Section 4 or 4A.
- (9) Such accessory purposes as are customary or usual in connection with any of the foregoing purposes and are incidental thereto.

Section 16-A. Building Coverage and Court Regulations

In the Business A districts, all buildings used for residential purposes shall conform to the building coverage and lot regulations as set forth in Section 15-A for a Residence C use or Section 14-A for a Residence A or B use.

Section 16-B. Height and Area Regulations

The height and area regulations in the Business A districts are hereby established as set forth in the "Schedule of

Height and Area Regulation" attached hereto. All buildings in the Business A districts used for residential purposes shall conform to the height and yard regulations as set forth for Residence B and C districts.

BUSINESS B DISTRICTS

Section 17. Use Regulations

In the Business B districts, no new building or part thereof shall be constructed or used and no building or part thereof shall be altered, enlarged, reconstructed or used, and no land may be used for any purpose except one or more of the following:

- (a) Any purpose which is authorized or may be permitted in the Residence C or Business A districts
- (b) Theatre, hall, club, or other organization, dancing academy or other place of amusement or assembly.
- (c) Such industry, trade or light manufacturing as is customary or usual in connection with, or is part of, any of the purposes authorized or permitted under the provisions of this Section and is incidental thereto if such industry, trade, or light manufacturing is carried on in the same building or on the same premises as the business or use with which it is connected, provided, however, that no industry, trade or light manufacturing shall be carried on in a business district which is prohibited or not authorized in the industrial districts, or is dangerous to the neighborhood from fire, explosion or other cause.

- (d) The total floor space which may be used for industry, trade or light manufacturing on any one lot or on adjoining lots if part of the same establishment, shall not exceed a total area of two thousand square feet, unless permission of the Zoning Board of Appeals is obtained in the manner provided in Section 4 and 4A for the use of such additional specified floor space as they shall find is reasonably necessary for the conduct of the business.

Section 17-A. Building Coverage and Court Regulations

In the Business B districts, all buildings used for residential purposes shall conform to the building coverage and court regulations as set forth in Section 15-A for Residence C districts, except that inner courts shall be permitted. The minimum horizontal dimension of such courts shall be 25 feet or

two-thirds the average height of the walls surrounding the court, except in the case of courts which provide light and ventilation only to bathrooms, halls, or other rooms not used for living or sleeping purposes, in which case the provisions of the Building Code only need apply.

Section 17-B. Height and Area Regulations

The height and area regulations in the Business B districts are hereby established as set forth in the "Schedule of Height and Area Regulation" attached hereto. All buildings in the Business B districts used for residential purposes shall conform to the height and yard regulations as set forth for Residence B and C districts.

INDUSTRIAL DISTRICTS

Section 18. Use Regulations

In the Industrial districts, buildings or land may be used and buildings may be altered or erected for any legal use except the following:

- (1) Abattoir and commercial slaughtering
- (2) Manufacture of corrosive, poisonous or malodorous acids and chemicals
- (3) Cement, lime, gypsum and plaster of Paris manufacture
- (4) Fertilizer manufacture. Fat rendering in manufacture of tallow, grease and oils
- (5) Glue, size and gelatin manufacture
- (6) Petroleum and Kerosene refining or distillation and derivation of by-products
- (7) Manufacture of explosives and the stores of explosives in bulk
- (8) Smelting and reduction of copper, tin, zinc and iron ores
- (9) Similar uses which are dangerous by reason of fire or explosion, or injurious, noxious or detrimental to the neighborhood by reason of the emission of dust, odor, fumes, smoke wastes, refuse matter, noise, vibrations or because of any other objectionable feature.

- (10) A residence use for more than one family in a building used for an industrial purpose.

- (11) A yard for the storage or sale of used building or junk material

Section 18-A. Building Coverage and Court Regulations

In the Industrial districts, all buildings used for residential purposes shall conform to the building coverage and court regulations set forth in Section 17-A for Business B districts.

Section 18-B. Height and Area Regulations

The height and area regulations in the Industrial districts are hereby established as set forth in the "Schedule of Area Regulations" attached hereto. All buildings in the Industrial districts used for residential purposes shall conform to the height and yard regulations as set forth for Residence B districts.

EXCEPTIONS

Section 19. Height Exceptions

The height limitations as set forth in the foregoing schedule shall not apply to chimneys, ventilators, skylights, water tanks, bulkheads, penthouses and other accessory additions which are required or are customarily carried above the roofs of buildings, nor to towers, spires, domes, cupolas, and similar additions to buildings if such additions are not used for living purposes.

Section 20. Lot Area and Width Exceptions

Minimum lot area and width requirements in Residence districts as set forth in Sections 13-A and 14-A, shall not apply to lots which prior to the passage of this by-law were shown as separate parcels on subdivision plans approved by the Board of Survey or on plans or deeds duly recorded with the Registry of Deeds. In the case of such lots, the required side yards need not be more than 7 feet 6 inches or 15 per cent of the lot width, whichever is the greater.

Section 21. Yard Exceptions

1. Projecting eaves, chimneys, bay windows, balconies, open fire escapes and like projections which do not project more than three and one-half feet, and unenclosed steps, unroofed porches and the like, which do not project more than 10 feet in the front yard and five feet in the side yard beyond the

line of the foundation wall, may extend beyond the minimum yard regulations otherwise provided for the district in which the structure is built.

2. In the Residence A and B districts, no building need be set back from the street line more than the average of the setbacks of the buildings on the lots adjacent thereto on either side, a vacant lot or a lot occupied by a building set back more than 25 feet in Residence A district or more than 20 feet in a Residence B district being counted as though occupied by a building set back 25 feet and 20 feet respectively; but in no case shall any part of a building in a Residence A or B district be less than 10 feet from any street line.

3. In the Business districts, a rear yard shall not be required in the case of an interior lot running through a block from street to street when improved by a single principal building.

VALIDITY AND EFFECTIVENESS

Section 22. Validity

The invalidity of any section, paragraph or provision of this by-law, or of any district, or part thereof as shown upon the Zoning Map, or of any boundary line shown upon said map, shall not affect the validity of any other section, paragraph or provision of this by-law, or of any other district or part thereof as shown upon the Zoning Map, or of any other such boundary line.

Section 23. Existing By-Laws Not Repealed

Nothing contained in this by-law shall be construed as repealing or modifying any existing by-law or regulation of the Town, but shall be in addition thereto, provided that, where this by-law imposes greater restrictions upon the construction or use of buildings than other by-laws or provisions of law, such greater restrictions shall prevail.

Section 24. When Effective

This by-law shall take effect upon acceptance by the Town and its approval by the Attorney General and publication according to law.

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TO

DISTRICT DESIGNATION	HEIGHT LIMITATION		YARD SPACES REQUIRED	MINIM
	FEET	STORIES		
RESIDENCE--A	40	2 1/2	A--Front Yard	See: Sections 20 & 21
			B--Two Side Yards	
			C--Rear Yard	
RESIDENCE--B	40	2 1/2	A--Front Yard	Note: These front y ments of 25 and 20 feet to also apply to.
			B--Two Side Yards	
			C--Rear Yard	
RESIDENCE--C	60	5	A--Front Yard	NOTE: WHEN A TO A LOT THAN FOR THEN THE BE GOVERNED SET UP FOR THE CEPT IN FORE OWN DISTRICT BY THE REQUIRE DENCE B DIST
			B--Two Side Yards	
			C--Rear Yard	
BUSINESS--A	30	2	A--Rear Yard	DISTANCES BET SAME LOT. NO BUILDING SHALL BE LESS ANY OTHER DENCE A B ALL OTHER LE THAN 10 FE APPLY TO PL SUCH REGULA NO. 12A.
BUSINESS--B	60	5	A--Rear Yard	
INDUSTRIAL	60	5	A--Front Yard	
			B--Two Side Yards	
			C--Rear Yard	

TOWN OF ARLINGTON, MASSACHUSETTS

ZONING BY-LAW (as amended to December 1, 1950)

SCHEDULE OF HEIGHTS AND AREA REGULATIONS

HEIGHT LIMITATION			AREA REGULATIONS							
ZONING DISTRICT	HEIGHT IN FEET	STORIES	YARD SPACES REQUIRED	FRONT YARD MINIMUM DEPTH IN FEET	SIDE YARD MINIMUM WIDTH IN FEET	REAR YARD MINIMUM DEPTH IN FEET	MINIMUM BUILDING AND COURT REGULATIONS	MAXIMUM LOT OCCUPANCY IN PER CENT	SIZE OF LOT	
									MINIMUM FRONTAGE WIDTH IN FEET	MINIMUM AREA IN SQUARE FEET
-A	40	2 1/2	A—Front Yard B—Two Side Yards C—Rear Yard	25 See: Sections 20 & 21 For Exceptions Note: These front yard set back requirements of 25 feet for residence A and 20 feet for Residence B Districts also apply to garages.	Two required 10 ft. each except to lots which prior to the passage of this By-law were shown as separate parcels on subdivision plans approved by the Board of Survey or on plans or deeds duly recorded with the Registry of Deeds. In the case of such lots, the required side yards need not be more than 7 1/2 feet or 15% of the lot width, whichever is the greater.	20 But the rear yard need not be more than 20% of the full lot depth.	Section 13A—2	35	60	6000
	40	2 1/2	A—Front Yard B—Two Side Yards C—Rear Yard							
	60	5	A—Front Yard B—Two Side Yards C—Rear Yard							
-B	40	2 1/2	A—Front Yard B—Two Side Yards C—Rear Yard	20 NOTE: WHEN A HIGHER USE IS PUT TO A LOT THAN THE DISTRICT CALLS FOR THEN THE HIGHER USE MUST BE GOVERNED BY THE REGULATIONS OF THAT HIGHER USE EXCEPT IN THE CASE OF A RESIDENCE A DISTRICT USE IN OTHER THAN ITS OWN DISTRICT WILL BE REGULATED BY THE REQUIREMENTS OF THE RESIDENCE DISTRICT.	Two required 10 ft. each. In no case less than 1/4 the height of building.	15 But in no case less than 1/4 the height of building	Section 15A—1 & 2	35 for 5 Stories 40 for 4 Stories 50 for 3 Stories	60	6000
	40	2 1/2	A—Front Yard B—Two Side Yards C—Rear Yard							
	60	5	A—Front Yard B—Two Side Yards C—Rear Yard							
-C	30	2	A—Rear Yard	15 None Required	None Required	10 See: Section 21-3 For Exceptions	Section 16A	35 for 5 Stories 40 for 4 Stories 50 for 3 Stories	60	6000
	40	2	A—Rear Yard							
	60	5	A—Rear Yard							
-D	40	2 1/2	A—Front Yard B—Two Side Yards C—Rear Yard	10 None Required	None Required	10 See: Section 21-3 For Exceptions	Section 17A	35 for 5 Stories 40 for 4 Stories 50 for 3 Stories	60	6000
	40	2 1/2	A—Front Yard B—Two Side Yards C—Rear Yard							
	60	5	A—Front Yard B—Two Side Yards C—Rear Yard							

THIS BY-LAW
ACCEPTED BY THE
TOWN OF ARLINGTON
MASSACHUSETTS
MARCH 1946



NOTE: This schedule covers Height and Area Regulations and is made part of the Zoning By-Law.

All districts have other regulations, therefore it is essential to check the entire by-law for a full understanding of its requirements.

Note: For Exceptions See Section 19

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MARCH 1946



* Not required where abutting railroad track or railroad right of way.