



TOWN OF ARLINGTON
DEPARTMENT OF PLANNING and
COMMUNITY DEVELOPMENT

TOWN HALL, 730 MASSACHUSETTS AVENUE
ARLINGTON, MASSACHUSETTS 02476
TELEPHONE 781-316-3090

MEMORANDUM

To: Zoning Board of Appeals
From: Jennifer Raitt, Director, Dept. of Planning and Community Development/kl
Date: 11/15/2021
RE: Docket 3677 – 25 Highland Ave; Variance under Section 6.1.10.A (Location of Parking Spaces)

The applicant, WR Builders Inc., seeks a variance in accordance with Section 6.1.10.A (Location of Parking Spaces) of the Zoning Bylaw. The applicant is renovating the property and seeks to introduce off-street parking in the front yard setback on a sloped site, as there is currently no parking provided on site. The applicant seeks a variance to provide a 20 foot wide by 18 foot deep parking area for two vehicles within the front yard setback, which is prohibited in Section 6.1.10.A of the Zoning Bylaw.

The property is currently being renovated, and is nonconforming with the Zoning Bylaw's lot area, frontage, frontage, left, right and rear side yard setbacks, and parking requirements. The applicant has not provided the total usable and landscaped open space, so it is unclear whether the proposal would increase or introduce an additional nonconformity. The proposal would create nonconformance with regard to the front yard setback requirements.

Not noted in the application is a street tree located immediately in front of the proposed driveway.

The following is an application of the Variance criteria (M.G.L. c. 40 §A.10):

Criterion #1: Soil Conditions, Shape, or Topography

The topography of the site has a significant slope, and the property is on a hillside separated from the street by a retaining wall at the front yard lot line. The height difference between the right of way and the property limits the applicant's ability to meet the required front yard setback from the street, as the slope of a paved drive would exceed the requirements in the Zoning Bylaw. The slope also limits the ability to meet the dimensional requirements in the rear side yard.

Criterion #2: Hardship

Similarly, meeting the required front yard setback for the garage structure would require substantial excavation of the site, which would be both cost prohibitive and potentially impact the stability of the existing principal structure.

Criterion #3: Without Substantial Detriment to the Public Good

One other property on this block of Highland Avenue and another on Moulton Road have driveways cut into the hill, although those driveways lead to garages under structures.

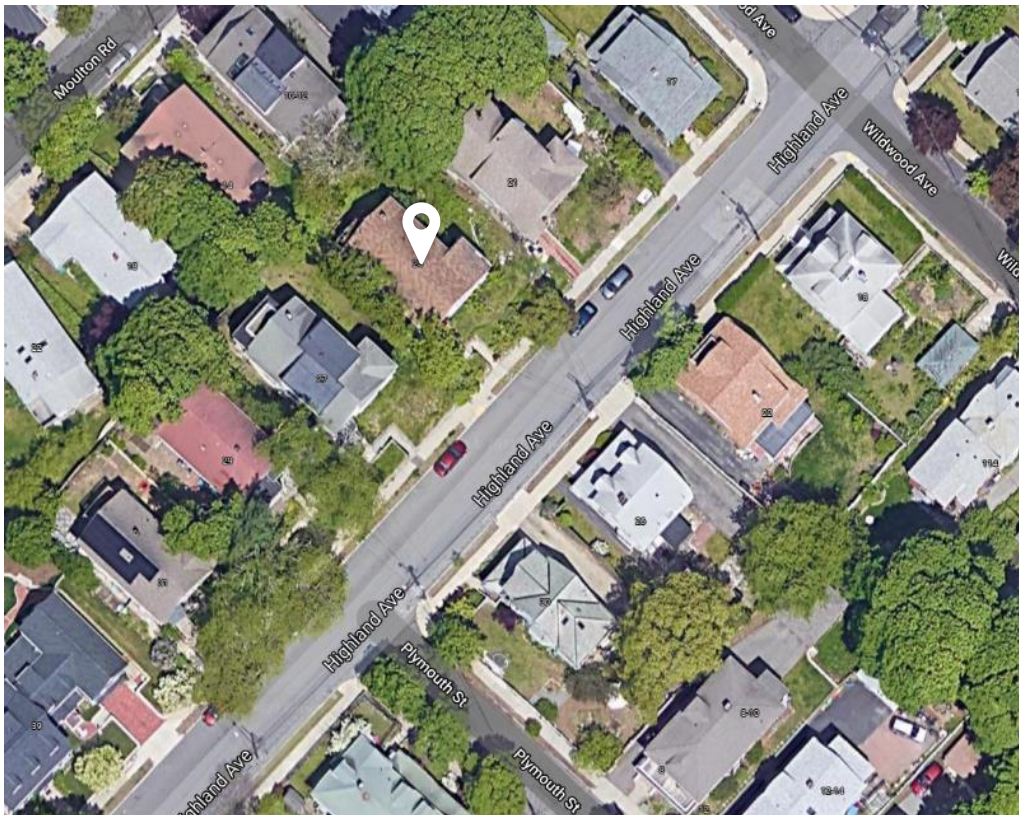
Two important details are absent from the application:

- As noted above and shown in the photos below there is a ten-inch Crimson King Maple located immediately in front of the proposed driveway, which is a protected public shade tree. Per the Arlington Tree Bylaw, any construction near this tree must be done at a sufficient distance from the tree to protect the Critical Root Zone. If the applicant intends to remove the tree, prior to commencing construction of the driveway they would need to appear before the Arlington Tree Committee at a public hearing to request permission.¹
- Because of the slope of the site, retaining walls would need to be constructed to create the parking area; the applicant has not provided sufficient detail to determine whether the design and construction of the parking area would be safe.

It is unclear whether property can accommodate the off-street parking without compromising the public good.

Criterion #4: Without Nullifying or Substantially Derogating From the Intent of the Zoning Bylaw
This proposal is consistent with the intent of the R-2 Zoning District.

Below are aerial and street-based photos of the current site:



¹ "Tree Construction Guidelines and Sample Plan", developed by the Tree Warden and Tree Committee:
<https://www.arlingtonma.gov/home/showpublisheddocument/50911/637223614338130000>





Recommendation:

It is unclear whether this proposal meets criterion #3. The Department of Planning and Community Development recommends that the Zoning Board of Appeals requests additional information regarding the protection or removal of the street tree and the construction of the retaining walls before approving this application.