



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 **Zachary Heath Trustees and KRS Contracting** of Winchester, Massachusetts on April 11, 2022, a petition seeking permission to alter their property located at **39 Tufts Street- Block Plan 029.0-0004.0022.10007.0** Said petition would require a Special Permit under **Section 8.1.3 (B) (Nonconforming Single-Family or Two-Family Dwellings)** of the Zoning Bylaw for the Town of Arlington.

A hearing in regards to the petition will be conducted remotely via "Zoom" **Tuesday evening May 24, 2022 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/meeting/register/tJloc-](https://town-arlington-ma-us.zoom.us/meeting/register/tJloc-upqDlrH9BzpU_mQMF2y5Ys20gtIBP9)

[upqDlrH9BzpU_mQMF2y5Ys20gtIBP9](https://town-arlington-ma-us.zoom.us/meeting/register/tJloc-upqDlrH9BzpU_mQMF2y5Ys20gtIBP9) **for documentation relating to this petition, visit the ZBA website at www.arlingtonma.gov/zba.**

DOCKET NO 3698

Zoning Board of Appeals
Christian Klein, RA, Chair

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

REQUEST FOR SPECIAL PERMIT

TOWN OF ARLINGTON

In the matter of the Application of Zachary Heath Trustees and KRS Contracting
to the Zoning Board of Appeals for the Town of Arlington:

Application for a Special Permit is herewith made, in accordance with Section 3.3 of the Zoning Bylaw of 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 applicant proposes to renovate the existing two (2) unit residence, located at 39 Tufts Street, in accordance with the proposed construction plans, dated 1-10-22. The proposed project consists of 1) rebuilding the existing 2-story sun-room to provide safer entries and a new code compliant basement stair and 2) new dormers and roof to improve the existing attic bedroom and stair.

The Applicant states he/she/they is/are the owner/occupant of the land in Arlington located at 39 Tufts Street, Arlington Ma 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 applicant expressly agrees 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 Applicant represents that the grounds for the relief sought are as follows:

The applicant seeks relief from Section 5.4.2. Dimensional and Density Requirements with regards to Usable Open Space.

E-Mail: karl@krs-contracting.com Signed: _____ Date: 03/14/2022
Telephone: 617-678-6237 Address: Winchester MA, 01890

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 requested use 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 Zoning Bylaw.

The existing 2-family dwelling is located in an R1 zone. Arlington tax records describe it as a
"Two Family with a Multi-Garden Building built about 1938".
8.1.3. Nonconforming Single-Family or Two-Family Dwellings

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

The proposed project is designed to meet the scale and character of the houses in the Tufts Street
neighborhood.

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

There are no changes to the existing use or traffic patterns. All changes are within the existing
footprint.

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.*

The existing 2-family use will remain the same and there are no additional bedrooms. The total
total lot coverage will remain the same.

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

Any special use regulations are fulfilled.

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 or welfare.

The residential use is consistent with the character of the district, therefore will not be detrimental to

the health or welfare. According to Arlington tax records, there are several existing 2-families on

Tufts Street.

G). Explain why *the requested use will not, by its addition to a neighborhood, cause an excess of the use that could be detrimental to the character of said neighborhood.*

The proposed dormers and roof line changes are consistent with the character of the neighborhood

houses. There will be no additional bedrooms to impact the use of the existing 2-family.

TOWN OF ARLINGTON
Dimensional and Parking Information
For Applications to the Zoning Board of Appeals

1. Property Location: 39 Tufts Street, Arlington Ma Zoning District: R1

2. Present Use/Occupancy: Residential No. of dwelling units 2

3. Existing Gross Floor Area (refer to Section 5.3.22 of the Zoning Bylaw and provide supporting documentation [worksheet and drawings] showing dimensions of GFA by floor):
3716 Sq. Ft.

4. Proposed Use/Occupancy: Residential No. of dwelling units 2

5. Proposed Gross Floor Area (refer to Section 5.3.22 of the Zoning Bylaw and provide supporting documentation [worksheet and drawings] showing dimensions of GFA by floor):
4234 Sq. Ft.

	Present Conditions	Proposed Conditions	Min. or max Required by Zoning	
6. Lot size (Sq. Ft.)	5000	unchanged	min.	6000
7. Frontage (Ft.)	50	unchanged	min.	60
8. Floor area ratio	NA	NA	max.	NA
9. Lot Coverage (%)	34	unchanged	max	35
10. Lot Area per Dwelling Unit (Sq. Ft.)	2500	unchanged	min.	NA
11. Front Yard Depth (Ft.)	18.9	unchanged	min.	25
12. Left Side Yard Depth (Ft.)	7.5	unchanged	min.	10
13. Right Side Yard Depth (Ft.)	15.9	unchanged	min.	10
14. Rear Yard Depth (Ft.)	28.9	unchanged	min.	20
15. Height (Stories)	2.5	2.5	max.	2.5
16. Height (Ft.)	+/- 30 FT	34.33 FT	max.	35
17. Landscaped Open Space (Sq. Ft.) Refer to Section 2 in the Zoning Bylaw.	947	947		
17A. Landscaped Open Space (% of GFA)	25	22	min.	10
18. Usable Open Space (Sq. Ft.) Refer to Section 2 in the Zoning Bylaw.	835	835		
18A. Usable Open Space (% of GFA)	22	20	min.	30
19. Number of Parking Spaces	+/- 4	unchanged	min.	2
20. Parking area setbacks (if applicable)	NA	NA	min.	NA
21. Number of Loading Spaces (if applicable)	NA	NA	min.	NA
22. Type of construction	wood frame (V)	wood frame (V)	N/A	
23. Slope of proposed roof(s) (in. per ft.)	NA	8.5 and 4	min.	NA

TOWN OF ARLINGTON
Open Space / Gross Floor Area Information
For Applications to the Zoning Board of Appeals

Refer to Section 2: *Definitions*, and Section 5: *District Regulations* in the Zoning Bylaw of the Town of Arlington before completing this form.

Address: 39 Tufts Street, Arlington M Zoning District: R1

<u>OPEN SPACE*</u>	<u>EXISTING</u>	<u>PROPOSED</u>
Total lot area	<u>5000</u>	<u>5000</u>
Open Space, Usable	<u>835</u>	<u>835</u>
Open Space, Landscaped	<u>947</u>	<u>947</u>

* Refer to the Definitions in Section 2 of the Zoning Bylaw.

GROSS FLOOR AREA (GFA) †

Accessory Building	<u> </u>	<u> </u>
Basement or Cellar (meeting the definition of Story, excluding mechanical use areas)	<u>950</u>	<u>1059</u>
1 st Floor	<u>1259</u>	<u>1259</u>
2 nd Floor	<u>1279</u>	<u>1279</u>
3 rd Floor	<u> </u>	<u> </u>
4 th Floor	<u> </u>	<u> </u>
5 th Floor	<u> </u>	<u> </u>
Attic (greater than 7'-0" in height, excluding elevator machinery; or mechanical equipment)	<u>228</u>	<u>637</u>
Parking garages (except as used for accessory parking or off-street loading purposes)	<u> </u>	<u> </u>
All weather habitable porches and balconies	<u> </u>	<u> </u>
Total Gross Floor Area (GFA)	<u>3716</u>	<u>4234</u>

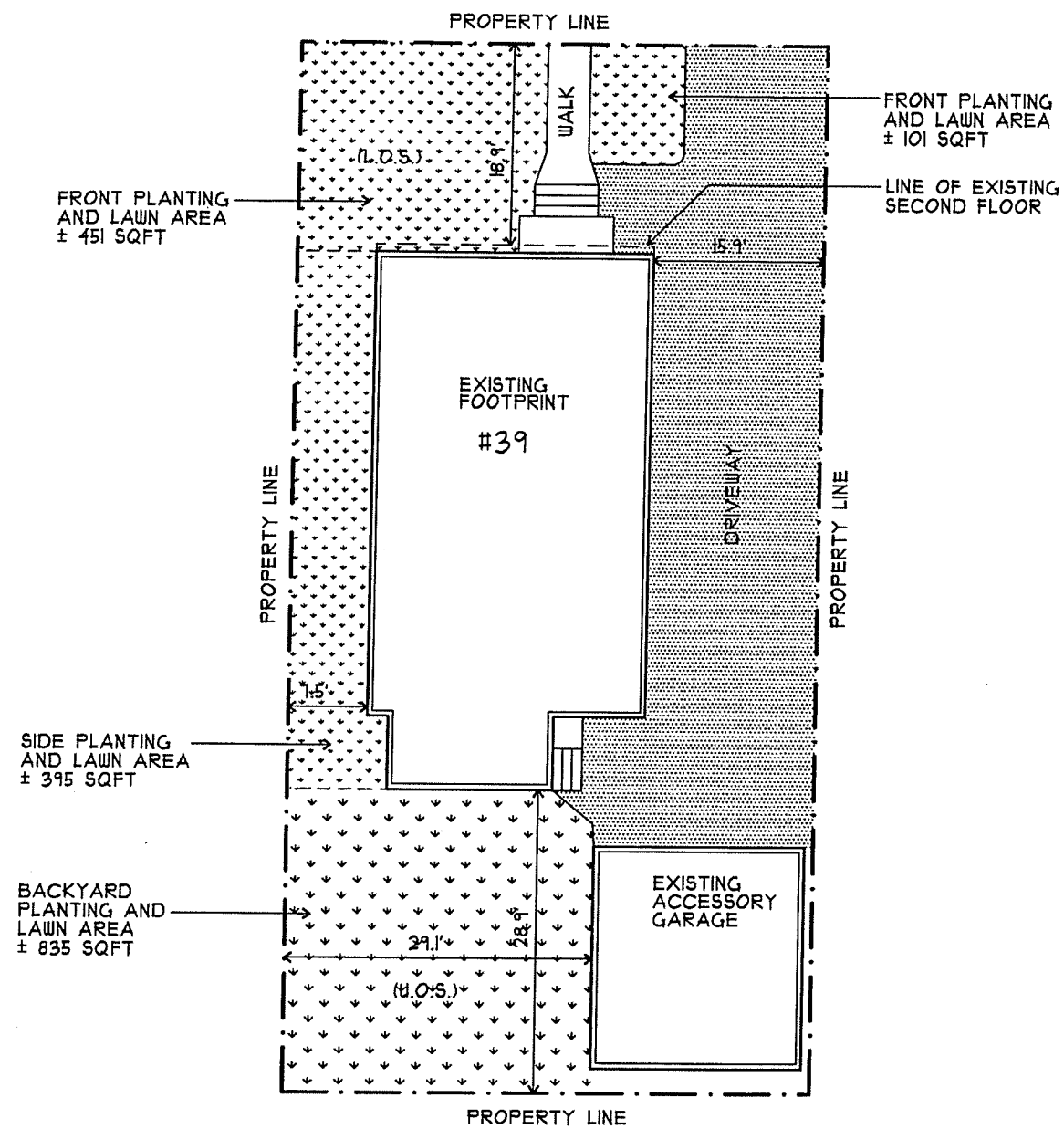
† Refer to Definition of Gross Floor Area in Section 2 and Section 5 of the Zoning Bylaw.

REQUIRED MINIMUM OPEN SPACE AREA

Landscaped Open Space (Sq. Ft.)	<u>947</u>	<u>947</u>
Landscaped Open Space (% of GFA)	<u>25</u>	<u>22</u>
Usable Open Space (Sq. Ft.)	<u>835</u>	<u>835</u>
Usable Open Space (% of GFA)	<u>22</u>	<u>20</u>

This worksheet applies to plans dated 01/10/2022 designed by FLH Architects

Reviewed with Building Inspector: _____ Date: _____



1 SITE PLAN
1.3 1/16"=1'-0"

SITE PLAN COMPILED FROM ARLINGTON GIS MAP AND SITE MEASUREMENTS.

4-13-22

1.3

RENOVATIONS TO 39 TUFTS STREET, ARLINGTON MA

INFORMATION REQUEST V2 | UPDATED

flh ARCHITECTS

15 HIGH STREET, WINCHESTER, MA 617-803-4919

LEVEL	EXISTING	PROPOSED	NOTES
BASEMENT	950	1059	
1ST FLOOR	1259	1259	
2ND FLOOR	1219	1219	
ATTIC	228	631	
TOTAL	3716	4234	

BASEMENT MECHANICAL: UNIT A: 100 SQFT, UNIT B 100 SQFT
EXISTING SUNROON FOUNDATION REPLACED WITH FULL CONCRETE FOUNDATION (CRWAL SPACE) AND FOOTING.

AREA TOTALS

(SQFT)

LANDSCAPE OPEN SPACE
10% REQUIRED
EXISTING REQUIRED: 371 SQFT
EXISTING: 941 SQFT
PROPOSED REQUIRED: 423 SQFT
PROPOSED: 941 SQFT
(PROPOSED DOES NOT INCREASE EXISTING FOOTPRINT)

USEABLE OPEN SPACE
30% REQUIRED
EXISTING REQUIRED: 1115 SQFT
EXISTING: 835 SQFT
PROPOSED REQUIRED: 1270 SQFT
PROPOSED: 835 SQFT

ZONING
THE EXISTING STRUCTURE IS PRE-EXISTING NON-CONFORMING TO FRONT YARD SETBACK AND USEABLE OPEN SPACE. THE LOT IS NON-CONFORMING TO FRONTAGE AND MINIMUM LOT AREA.

8.1.3. NONCONFORMING SINGLE-FAMILY OR TWO-FAMILY DWELLINGS
A. ALTERATION, RECONSTRUCTION, EXTENSION, OR STRUCTURAL CHANGE TO A SINGLE OR TWO-FAMILY RESIDENTIAL STRUCTURE THAT IS COMPLETELY WITHIN THE EXISTING FOUNDATION WALLS DOES NOT INCREASE THE NONCONFORMING NATURE OF SAID STRUCTURE.

SITE PLAN COMPILED FROM ARLINGTON GIS MAP AND SITE MEASUREMENTS.

OPEN SPACE

HOUSE & PORCH (1278 S.F.+ GARAGE 425 S.F. +
1294 S.F. DRIVE)=2997 S.F. 2997/5000 =0.6
1-.60x100%= 40% OPEN SPACE

OWNER OF RECORD

ZACHARY HEATH
BRUCE OHANIAN
L.C BOOK 1380 PAGE 64 M.S.R.D.

ZONING DISTRICT

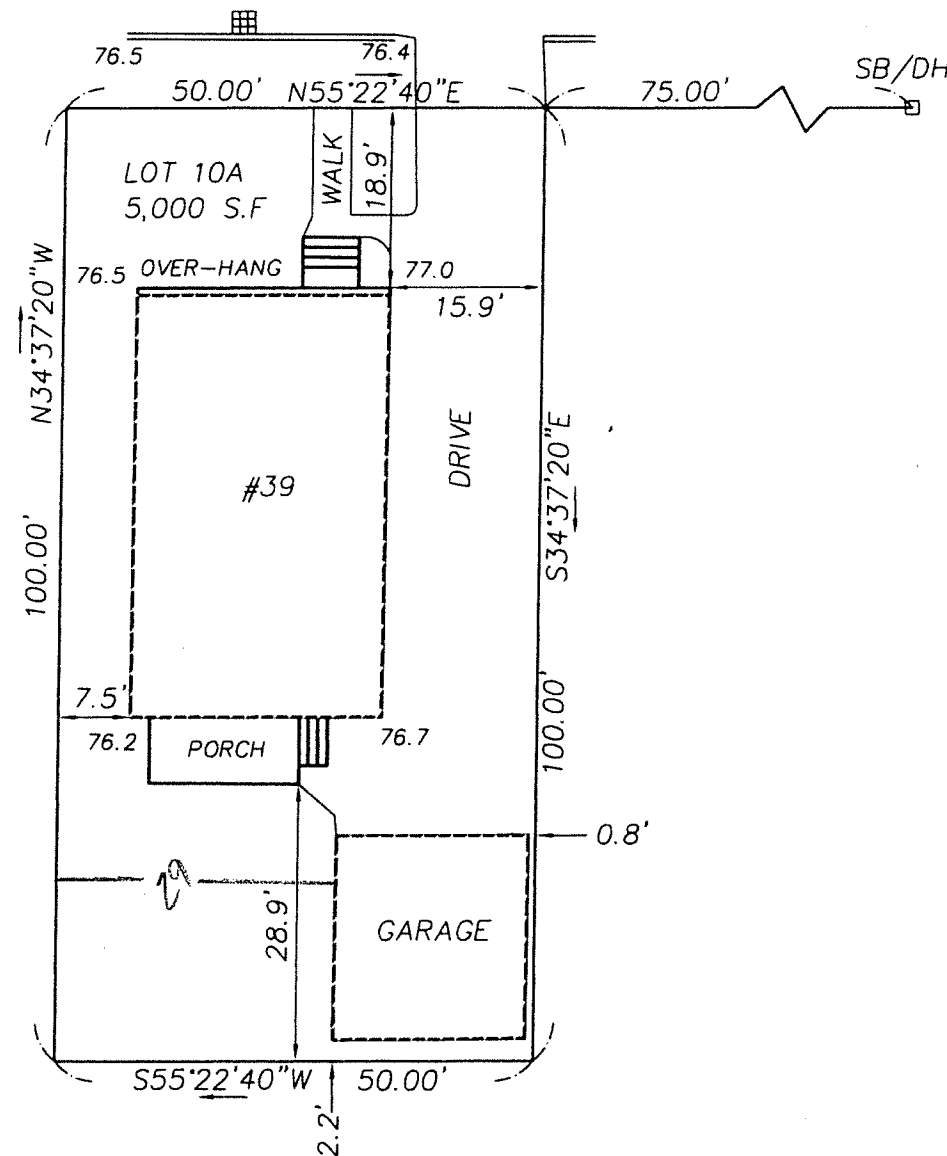
TAX MAP 29 BLOCK 4 LOT 22
R1 RESIDENCE

PLAN REFERENCES

L.C PLAN # 9264C

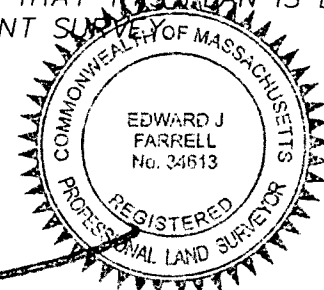
TUFTS STREET

29x28.9 = 838.1
Needs 921.1



I HEREBY CERTIFY THAT THIS PLAN IS BASED ON AN
ACTUAL INSTRUMENT SURVEY

EDWARD J. FARRELL P.L.S.



4-11-22
DATE

RECEIVED

APR 11 2022

INSPECTIONAL
SERVICES

PLOT PLAN 39 TUFTS STREET ARLINGTON, MASS.

SCALE: 1" = 20' APRIL 10, 2022

Prepared By

EDWARD J. FARRELL

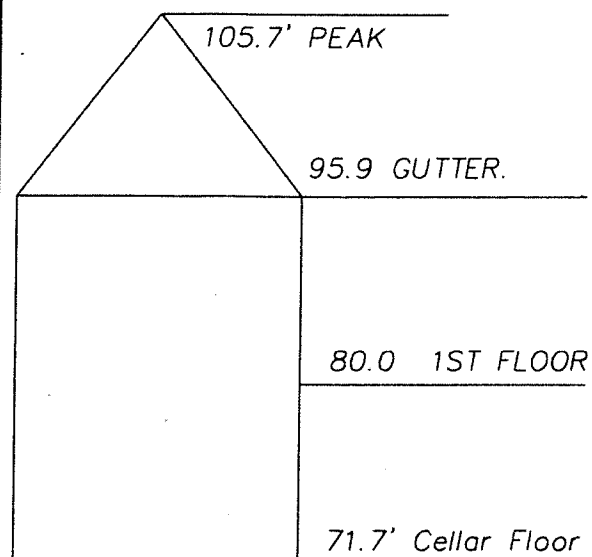
PROFESSIONAL LAND SURVEYOR

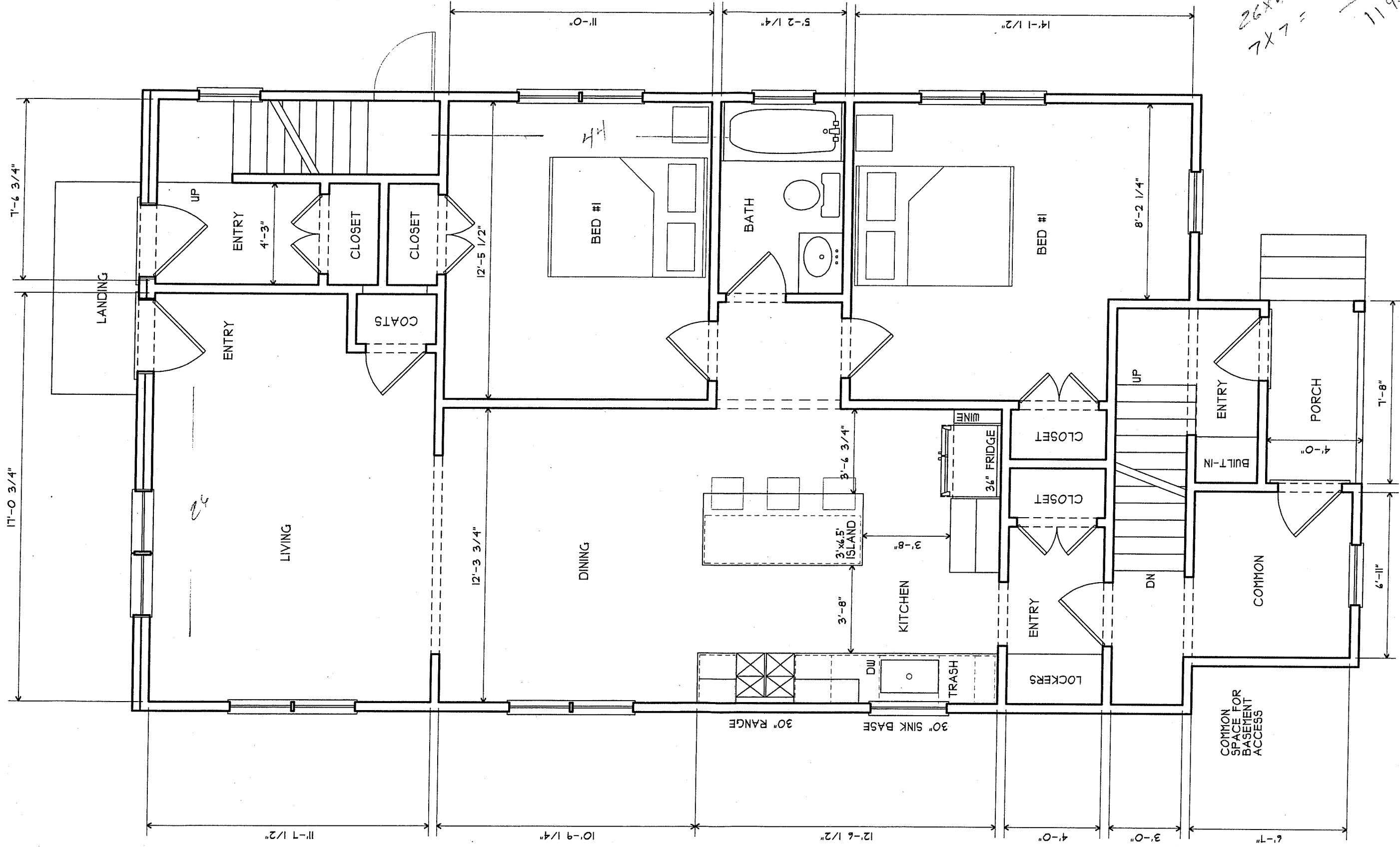
110 WINN STREET ~ SUITE 203 ~ WOBURN, MA.

(781)-933-9012

ELEVATIONS BASED ON ASSUMED DATUM.

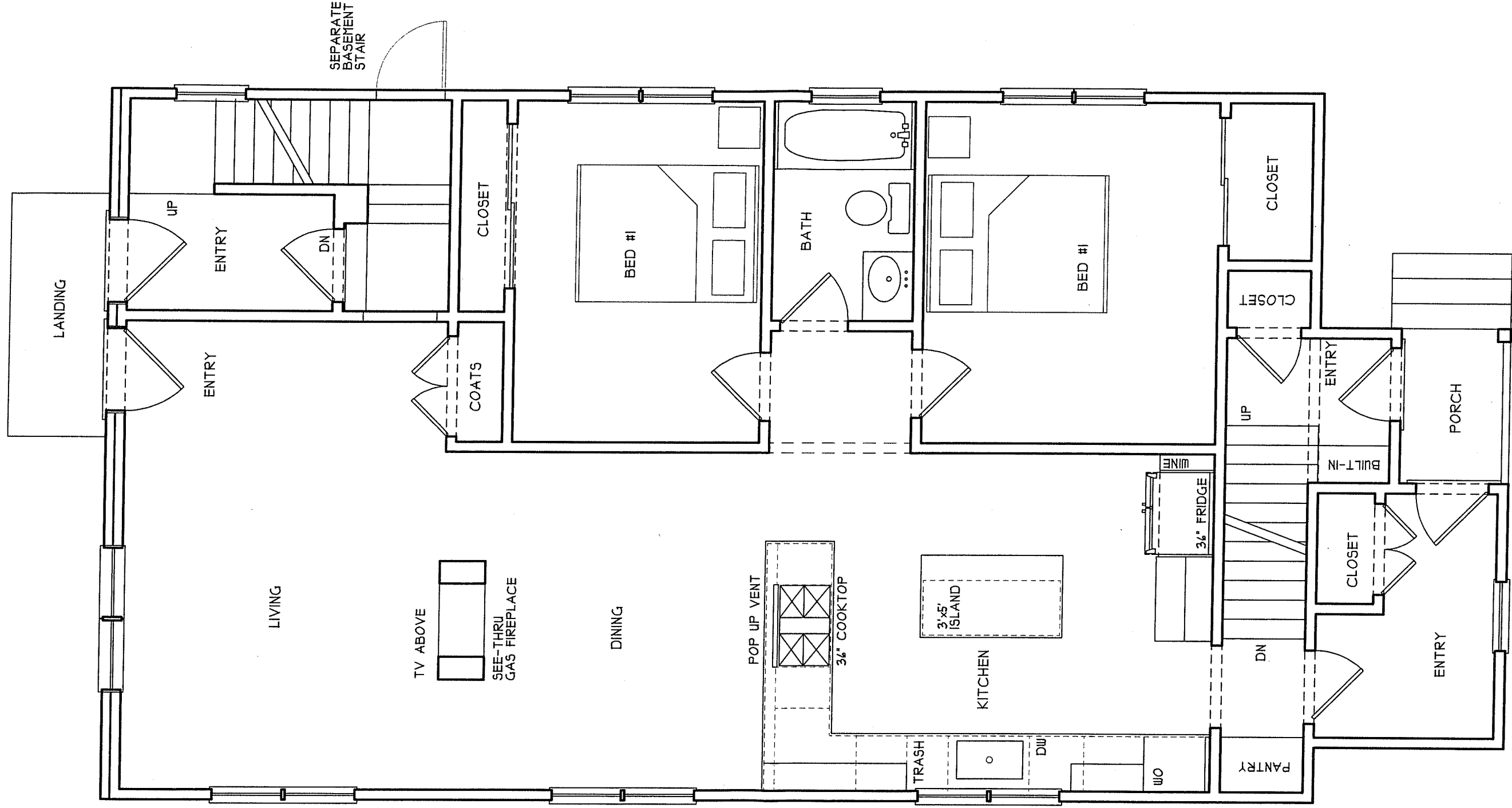
DETAIL NO SCALE





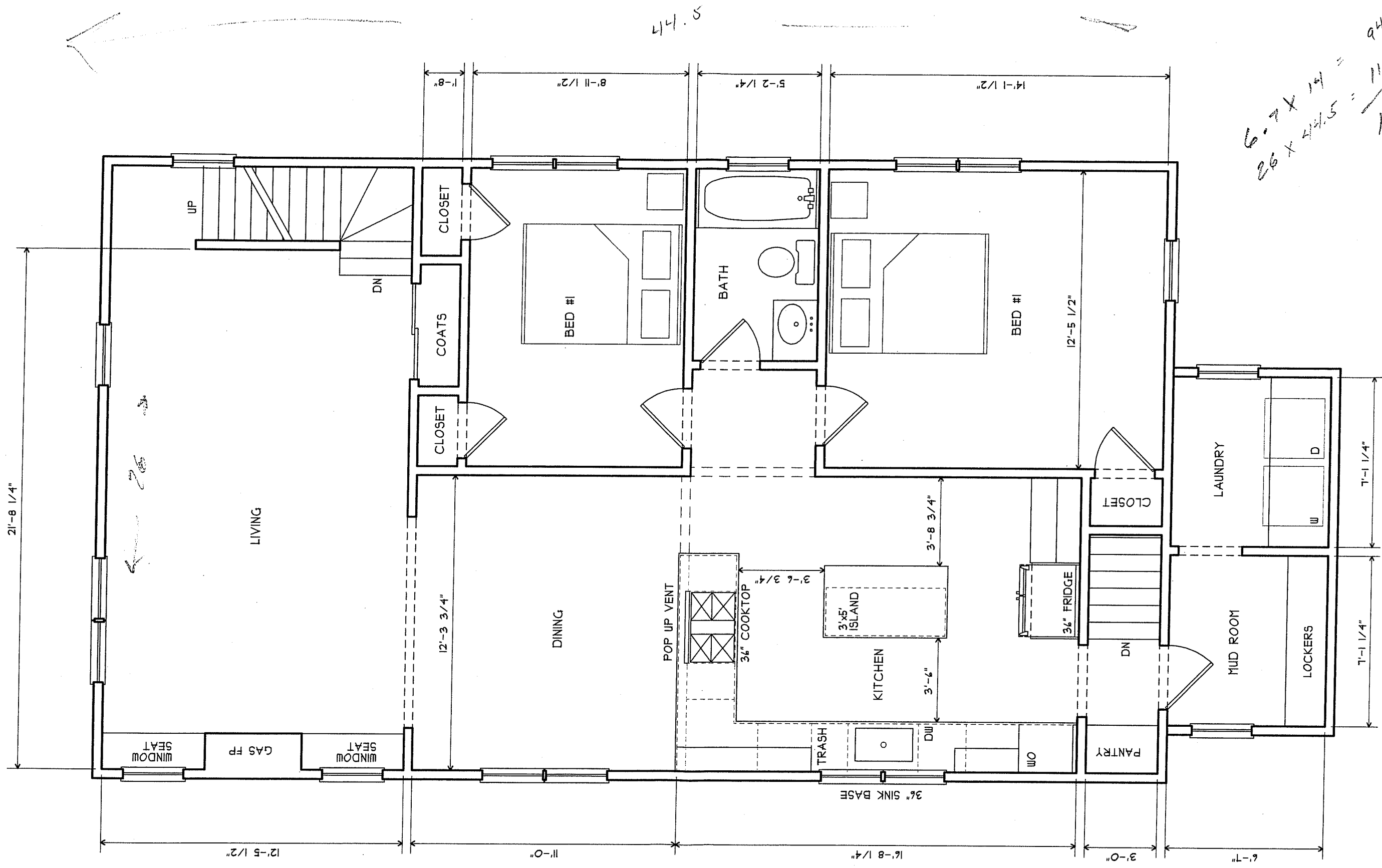
26' x 44' = 1144
 7 x 7 = 49
 1193

1st FLOOR PLAN
 1/4"=1'-0"

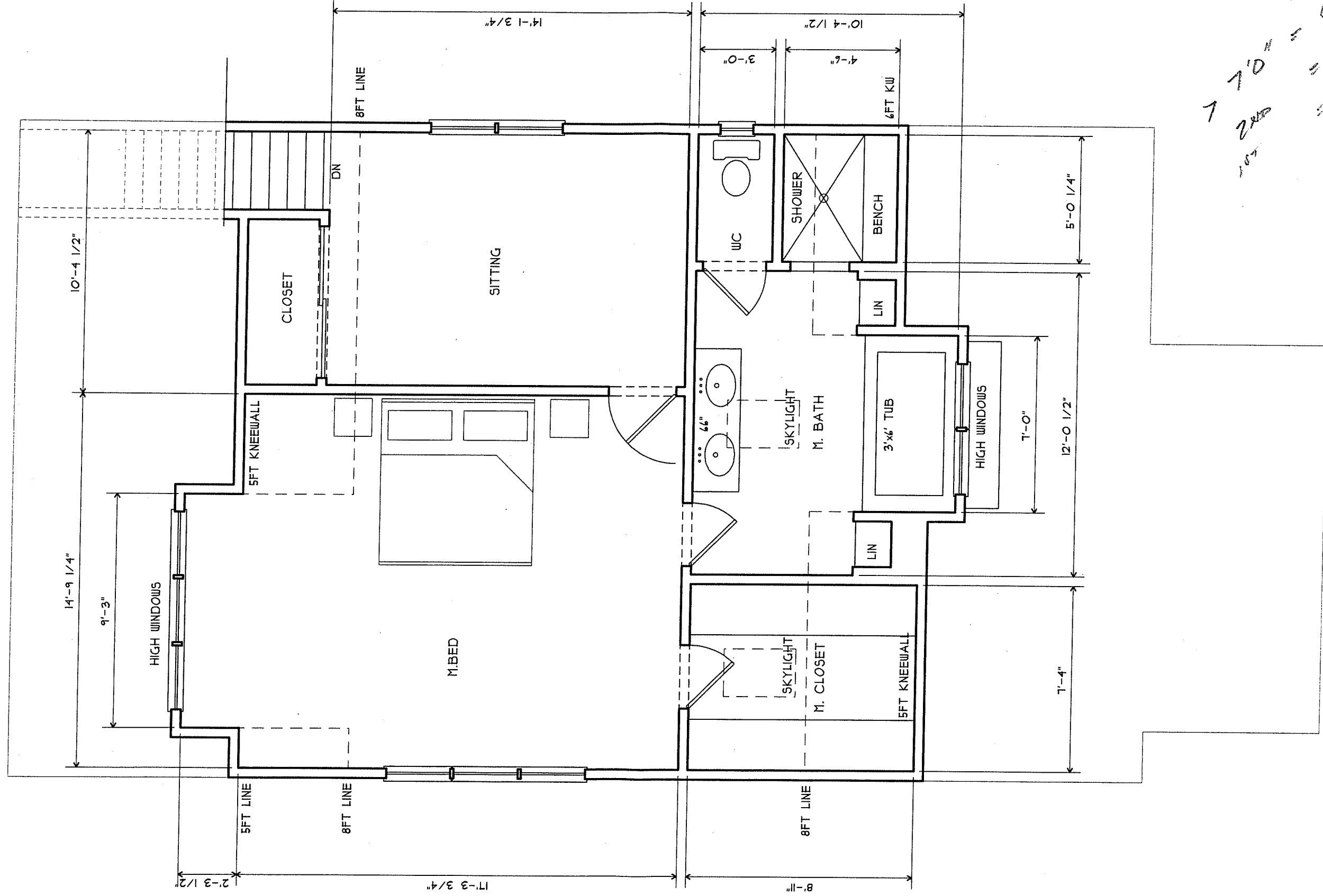


ALTERNATE
1st FLOOR PLAN

2 1/4"=1'-0"



3 2ND FLOOR PLAN
1/4"=1'-0"



7 7'0" = 626
 2x10 = 1251
 104 = 1193
 3670
 921

1 ATTIC FLOOR PLAN
 1/4"=1'-0"




 EAST ELEVATION
 1/4"=1'-0"




 WEST ELEVATION
 1/4"=1'-0"



○ SOUTH ELEVATION
1/4"=1'-0"

39 TUFTS ST SDI
FLH ARCHITECTS
10-28-21



○ NORTH ELEVATION
1/4"=1'-0"

39 TUFTS ST SDI
FLH ARCHITECTS
10-28-21