



Town of Arlington
Zoning Board of Appeals
51 Grove Street
Arlington, Massachusetts 02476
781-316-3396
www.arlingtonma.gov

TOWN CLERK'S OFFICE
ARLINGTON, MA 02170
2022 AUG -8 AM 8:47

RECEIVED

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 **James Boyle** of Arlington, Massachusetts on August 1, 2022, a petition seeking permission to alter his property located at **82 Winter Street - Block Plan 027.0-0003-0006.0** Said petition would require a Special Permit under **Section 5.9.2 Accessory Dwelling Units** of the Zoning Bylaw for the Town of Arlington.

A hearing in regards to the petition will be conducted remotely via "Zoom" **Tuesday evening September 13, 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_mQMF2y5Ys20gtlBP9)

[upqDlrH9BzpU_mQMF2y5Ys20gtlBP9](https://town-arlington-ma-us.zoom.us/meeting/register/tJloc-upqDlrH9BzpU_mQMF2y5Ys20gtlBP9) **for documentation relating to this petition, visit the ZBA website 48 hours prior to the hearing at www.arlington.gov/zba.**

DOCKET NO 3713

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 James R Boyle, & Donna M Boyle of 80-82 Winter St.
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*:

Special permit Section 3.3.4 Line A _____
A. Dimensional standards more restrictive than those set forth in Section 5 of this Bylaw;

The Applicant states he/she/they is/are the owner/occupant of the land in Arlington located at 80-82 Winter St. 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 accessory dwelling unit be allowed being that it is within six feet of the lot line.
The accessory dwelling unit is not substantially more detrimental to the neighborhood.
The unit is to be used for the property owners to properly and safely age in place.

E-Mail: jrboy412@msn.com Signed: _____ Date: 06/10/2022
Telephone: 617.413.1554 Address: 82 Winter St.

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.

Section 5.9.2 Accessory Dwelling units

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

The request will help Arlington property owners age in place.

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

The accessory dwelling unit is only adding one unit for the current owners/occupants.

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 addition of the unit is only adding one bathroom and kitchen to be used by 2 people.
This will not overload the systems currently in place

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.

The accessory unit is within the dimensions that are in section 5.9.2 b. Requirements

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.

This is an existing structure that will not increase in height or size.

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 existing structure will not increase in size as not to be detrimental to the neighborhood.

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

1. Property Location: 82 Winter St. Zoning District: R2

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):
4672 Sq. Ft.

4. Proposed Use/Occupancy: residential No. of dwelling units 1

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):
306 Sq. Ft.

	Present Conditions	Proposed Conditions	Min. or max Required by Zoning
6. Lot size (Sq. Ft.)	4950		min.
7. Frontage (Ft.)	52		min.
8. Floor area ratio	306		max.
9. Lot Coverage (%)	35%		max
10. Lot Area per Dwelling Unit (Sq. Ft.)	1750		min.
11. Front Yard Depth (Ft.)	20'		min.
12. Left Side Yard Depth (Ft.)	10'		min.
13. Right Side Yard Depth (Ft.)	22'		min.
14. Rear Yard Depth (Ft.)	20'		min.
15. Height (Stories)	2		max.
16. Height (Ft.)	35		max.
17. Landscaped Open Space (Sq. Ft.) Refer to Section 2 in the Zoning Bylaw.	20%		
17A. Landscaped Open Space (% of GFA)	20%		min.
18. Usable Open Space (Sq. Ft.) Refer to Section 2 in the Zoning Bylaw.	20%		
18A. Usable Open Space (% of GFA)	20%		min.
19. Number of Parking Spaces	4		min.
20. Parking area setbacks (if applicable)	0		min.
21. Number of Loading Spaces (if applicable)	0		min.
22. Type of construction	block/wood		N/A
23. Slope of proposed roof(s) (in. per ft.)			min.

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: 82 Winter St. Zoning District: R2

<u>OPEN SPACE*</u>	EXISTING	PROPOSED
Total lot area	<u>4950</u>	<u> </u>
Open Space, Usable	<u>20%</u>	<u> </u>
Open Space, Landscaped	<u>20%</u>	<u> </u>

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

<u>GROSS FLOOR AREA (GFA) †</u>		
Accessory Building	<u>306</u>	<u> </u>
Basement or Cellar (meeting the definition of Story, excluding mechanical use areas)	<u> </u>	<u> </u>
1 st Floor	<u> </u>	<u> </u>
2 nd Floor	<u> </u>	<u> </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> </u>	<u> </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>306</u>	<u> </u>

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

<u>REQUIRED MINIMUM OPEN SPACE AREA</u>		
Landscaped Open Space (Sq. Ft.)	<u>20%</u>	<u> </u>
Landscaped Open Space (% of GFA)	<u>20%</u>	<u> </u>
Usable Open Space (Sq. Ft.)	<u>20%</u>	<u> </u>
Usable Open Space (% of GFA)	<u>20%</u>	<u> </u>

This worksheet applies to plans dated 07/28/1985 designed by Frederick r. joyce co.

Reviewed with Building Inspector: _____ Date: _____

- B. Where permitted or allowed by special permit in the use regulations, a physician may operate an office from the physician's residence with up to one nonresident employee.

5.9.2. Accessory Dwelling Units

- A. Purpose. The purpose of this Section 5.9.2 includes:

- (1) Promoting the use of accessory dwelling units as a means of providing Arlington property owners with an opportunity to age in place, to create independent living space for elderly, disabled or other family or household members, to downsize or to earn supplemental income from investing in their properties.
- (2) Helping Arlington residents to conserve and grow their own property values.
- (3) Encouraging housing for persons of all income levels and ages.
- (4) Encouraging an orderly expansion of the tax base without detracting from the existing character of the affected neighborhoods.

- B. Requirements

- (1) In any Residential District or Business District, an accessory dwelling unit is permitted as an accessory use to any single-family dwelling, two-family dwelling, or duplex dwelling, if all of the following conditions are met:
 - An accessory dwelling unit shall be not larger in floor area than one-half the floor area of the principal dwelling or 900 square feet, whichever is smaller. For the avoidance of doubt, where an accessory dwelling unit is created by converting a portion of an existing principal dwelling to an accessory dwelling unit, the floor area of the resulting accessory dwelling unit shall be measured relative to the floor area of the resulting principal dwelling (as affected by or in connection with the conversion).
 - Any alteration causing an expansion of or addition to a building in connection with an accessory dwelling unit shall be subject to the provisions of Section 5.4.2.B(6) if and to extent section 5.4.2.B(6) is otherwise applicable to such alteration or addition.
 - An accessory dwelling unit shall maintain a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling, sufficient to meet the requirements of the State Building Code for safe egress.
 - No more than one (1) accessory dwelling unit is allowed per principal dwelling unit.
 - An accessory dwelling unit may be located in (i) the same building as the principal dwelling unit or as an expansion to such building; (ii) a building that is attached to the principal dwelling unit; or (iii) an accessory building, which accessory building shall not constitute a principal or main building by the incorporation of the accessory dwelling unit, provided that if such accessory building is located within 6 feet of a lot line then such accessory dwelling unit shall be allowed only if the Board of Appeals, acting pursuant to Section 3.3, grants a special permit upon its finding that

the creation of such accessory dwelling unit is not substantially more detrimental to the neighborhood than the use of such accessory building as a private garage or other allowed use.

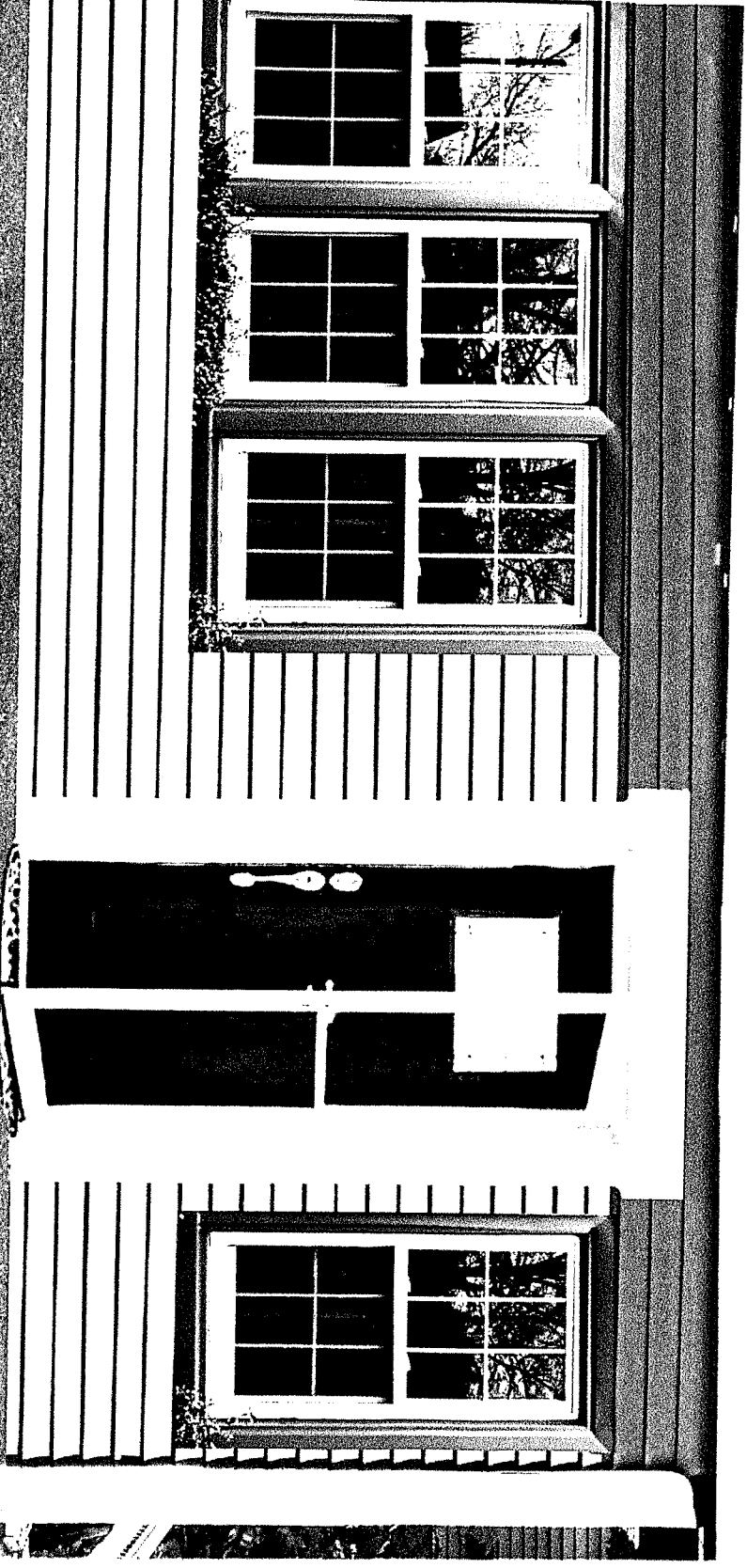
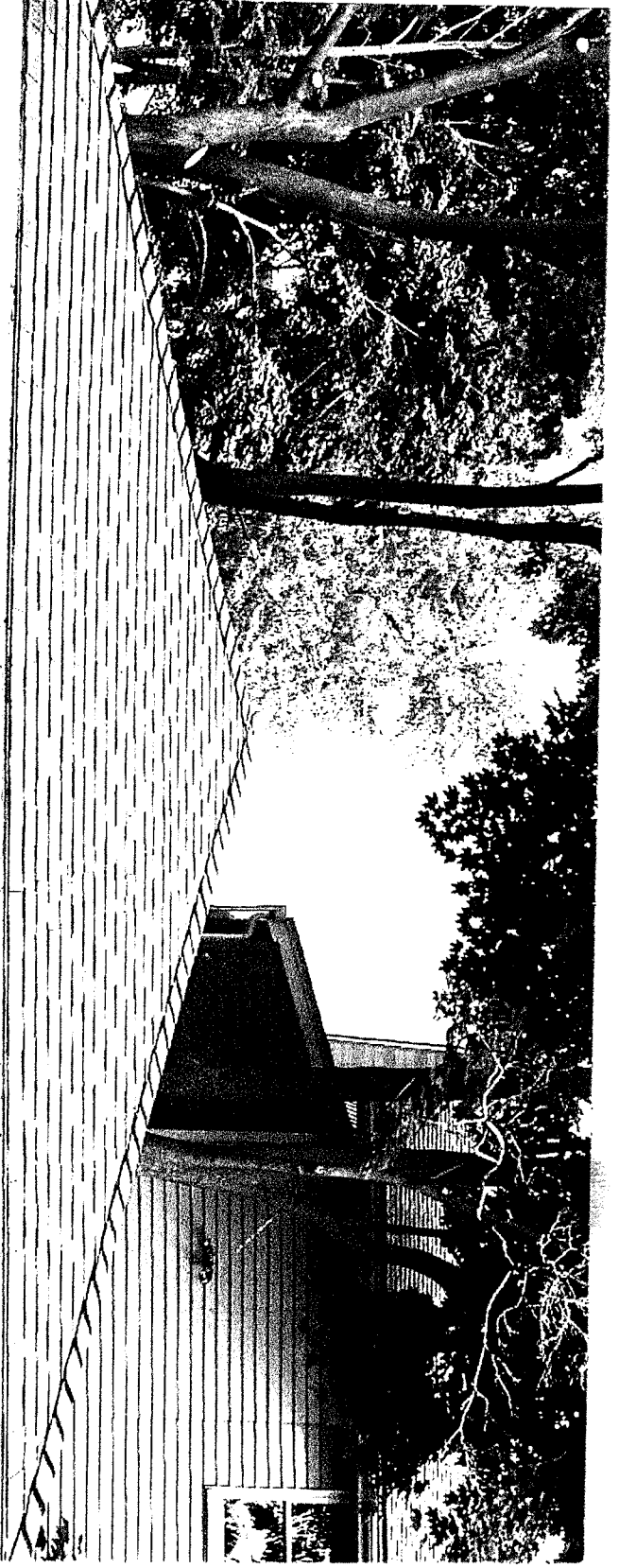
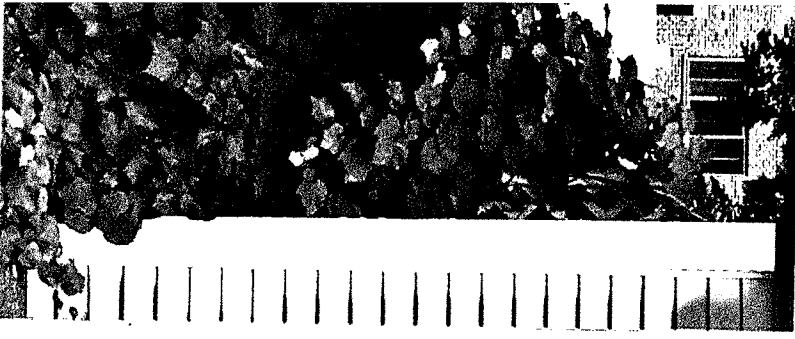
- An accessory dwelling unit shall not be used as a short-term rental, in accordance with Title V, Article 18, Section 3 of the By-Laws of the Town of Arlington.
- An accessory dwelling unit shall be subject to all applicable requirements of the State Building Code and State Fire Code (including any such requirements, if and as applicable, which prohibit openings, including windows, in exterior walls of dwellings located within a certain distance from the property line).

- (2) The creation or addition of an accessory dwelling unit shall not change the zoning classification of the property in question and shall not affect any zoning relief previously obtained for such property. By way of example only (and without limitation), a single-family dwelling having an accessory dwelling unit shall continue to be classified as a single-family dwelling for single-family use under the Zoning Bylaw; a two-family dwelling having an accessory dwelling unit shall continue to be classified as a two-family dwelling for two-family use under the Zoning Bylaw; and a duplex having an accessory dwelling unit shall continue to be classified as a duplex dwelling for duplex use under the Zoning Bylaw.
- (3) No off-street parking spaces are required in connection with the creation or addition of an accessory dwelling unit.
- (4) An accessory dwelling unit shall not be owned separately from the principal dwelling unit with which such accessory dwelling unit is associated.

C. Administration

- (1) Prior to the issuance of a building permit for an accessory dwelling unit, the owner must deliver an affidavit to the building inspector stating that the owner or a family member of the owner will reside in either the principal dwelling unit or the accessory dwelling unit upon completion of the accessory dwelling unit.
- (2) The creation or addition of an accessory dwelling unit to a principal dwelling unit shall not be subject to the foregoing paragraph 5.9.2.C(1) if the principal dwelling unit and accessory dwelling unit are owned by a non-profit or governmental entity and the accessory dwelling unit is restricted as an affordable unit.
- (3) This Section 5.9.2 shall be effective as of the date on which it is enacted at Town Meeting in accordance with applicable law, except for clause (iii) of Section 5.9.2.B.(1), fifth bullet, which clause (iii) shall be effective as of the date occurring six (6) months after the date on which this Section 5.9.2 is enacted at Town Meeting.
- (4) In the event of any conflict or inconsistency between the provisions of this Section 5.9.2 or Section 8.1.3.E, on the one hand, and any other provisions of

this Bylaw, the provisions of this Section 5.9.2 and Section 8.1.3.E shall govern and control.



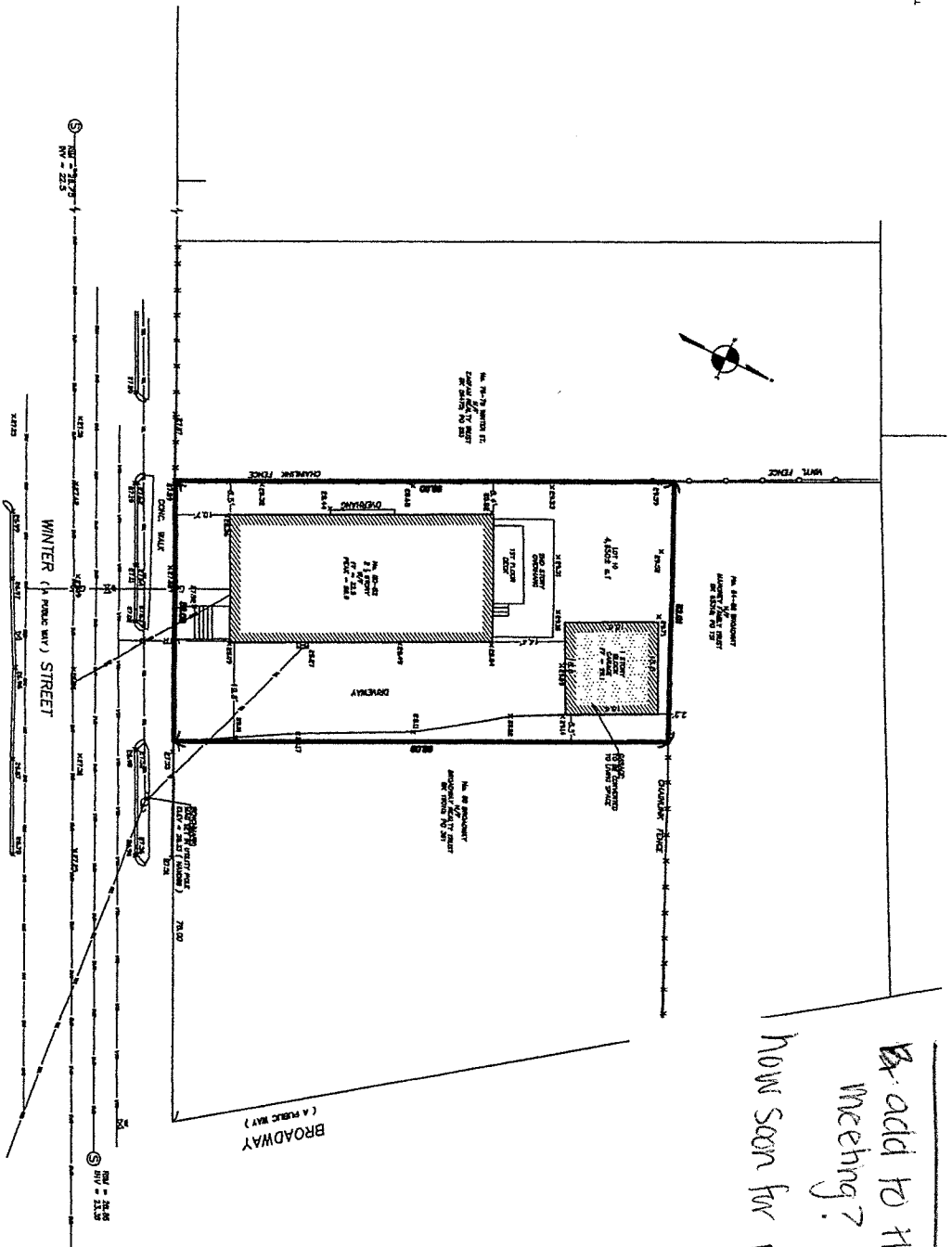
RECEIVED

JUL 25 2022

INSPECTIONAL SERVICES

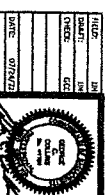
1. IDENTIFY THE TWO MAIN WALLS AND REMAINING WALLS OF THE BUILDING.
2. IDENTIFY THE TWO MAIN WALLS AND REMAINING WALLS OF THE BUILDING.
3. IDENTIFY THE TWO MAIN WALLS AND REMAINING WALLS OF THE BUILDING.
4. IDENTIFY THE TWO MAIN WALLS AND REMAINING WALLS OF THE BUILDING.
5. IDENTIFY THE TWO MAIN WALLS AND REMAINING WALLS OF THE BUILDING.
6. IDENTIFY THE TWO MAIN WALLS AND REMAINING WALLS OF THE BUILDING.
7. IDENTIFY THE TWO MAIN WALLS AND REMAINING WALLS OF THE BUILDING.
8. IDENTIFY THE TWO MAIN WALLS AND REMAINING WALLS OF THE BUILDING.
9. IDENTIFY THE TWO MAIN WALLS AND REMAINING WALLS OF THE BUILDING.
10. IDENTIFY THE TWO MAIN WALLS AND REMAINING WALLS OF THE BUILDING.

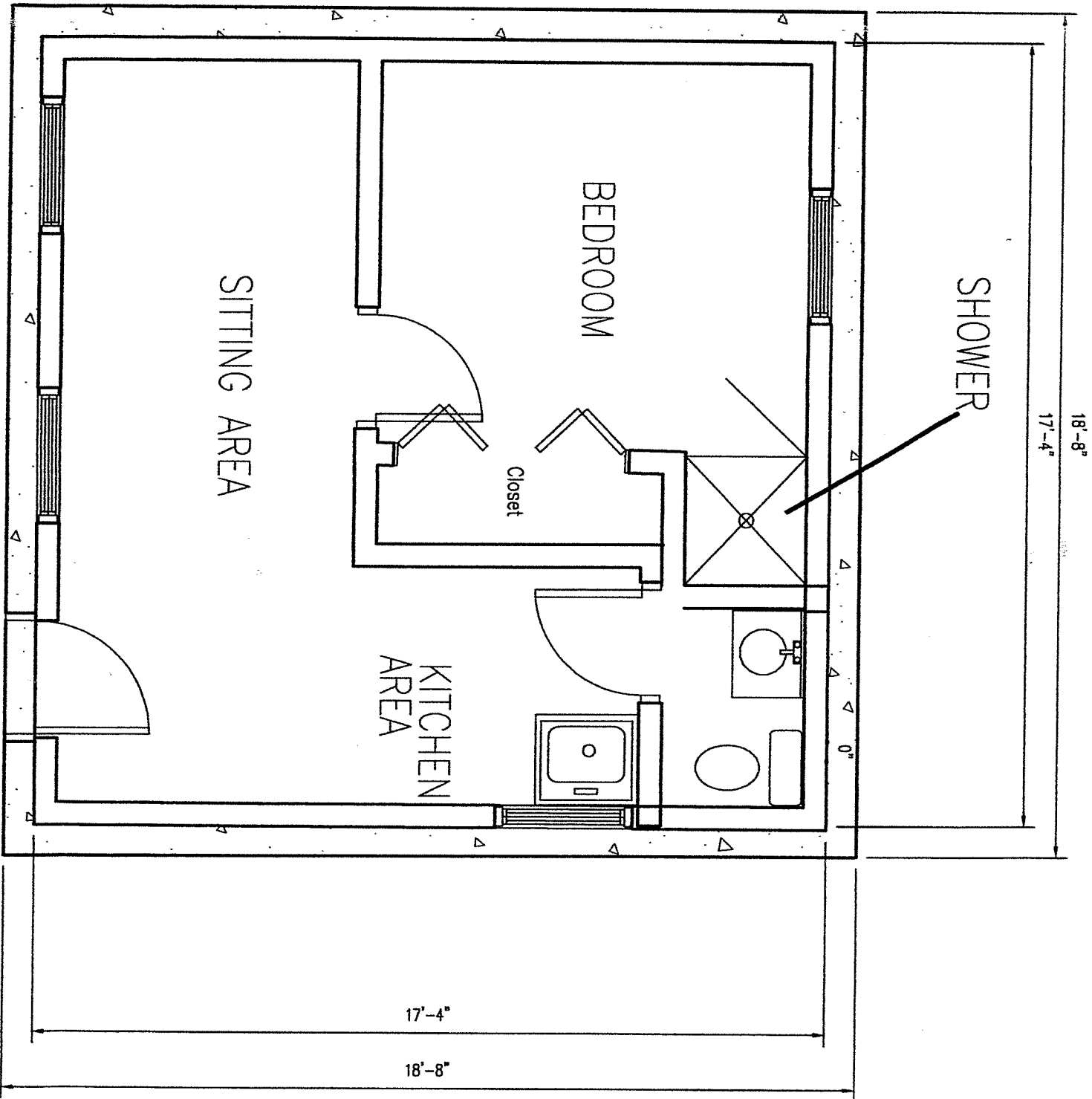
PROJECT NO. 2022-001
CLIENT: 82 WINTER ST
DATE: 07/25/22
TIME: 10:00 AM
LOCATION: 82 WINTER ST
CITY: ARLINGTON
STATE: MA
ZIP: 02134



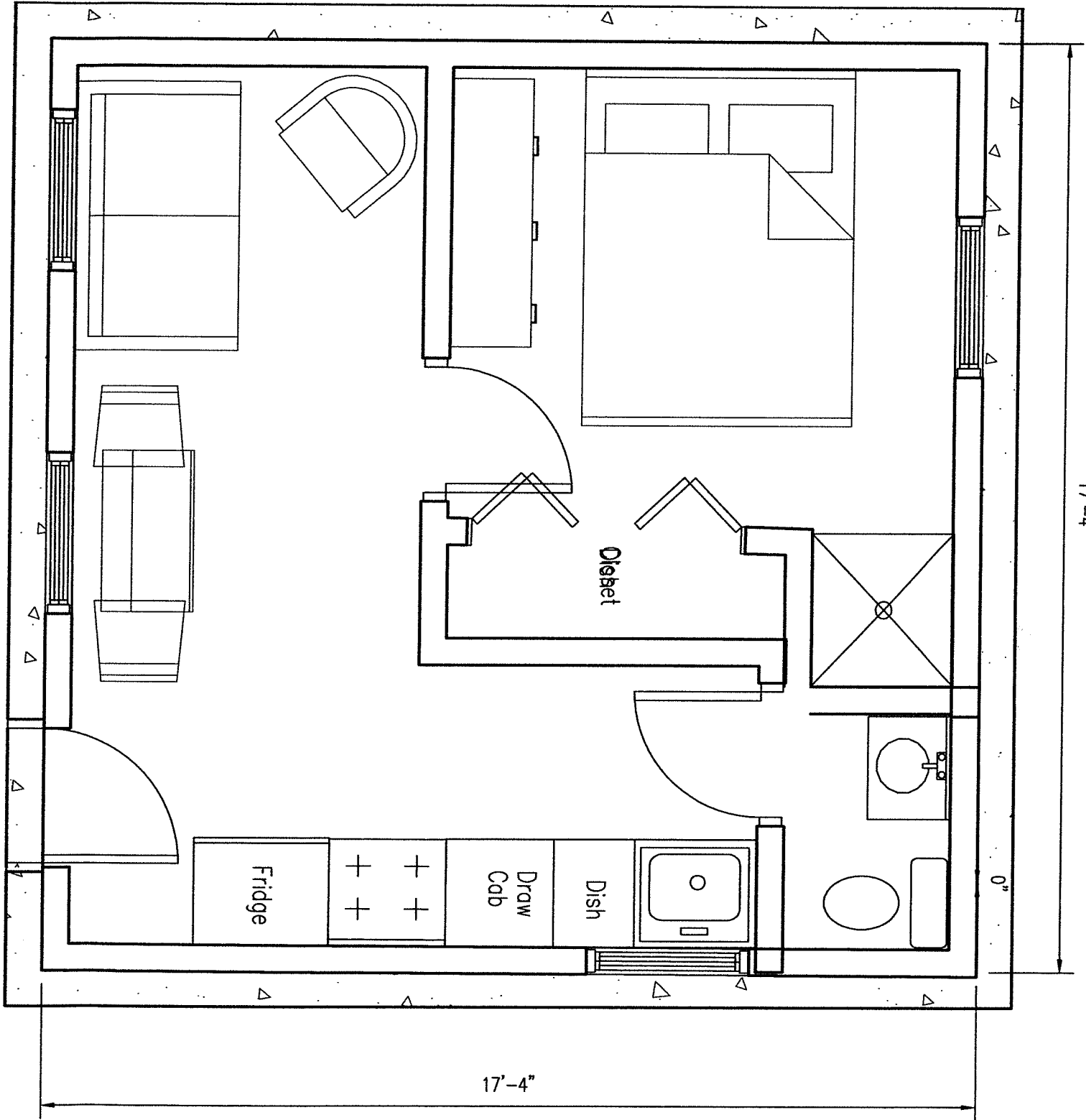
Timmy Boyle
617-413-1554
add to this weeks meeting?
how soon for permit.

SITE PLAN OF LAND
LOCATED AT
82 WINTER STREET
ARLINGTON
MA 02134
SCALE: 1/8" = 1'-0"





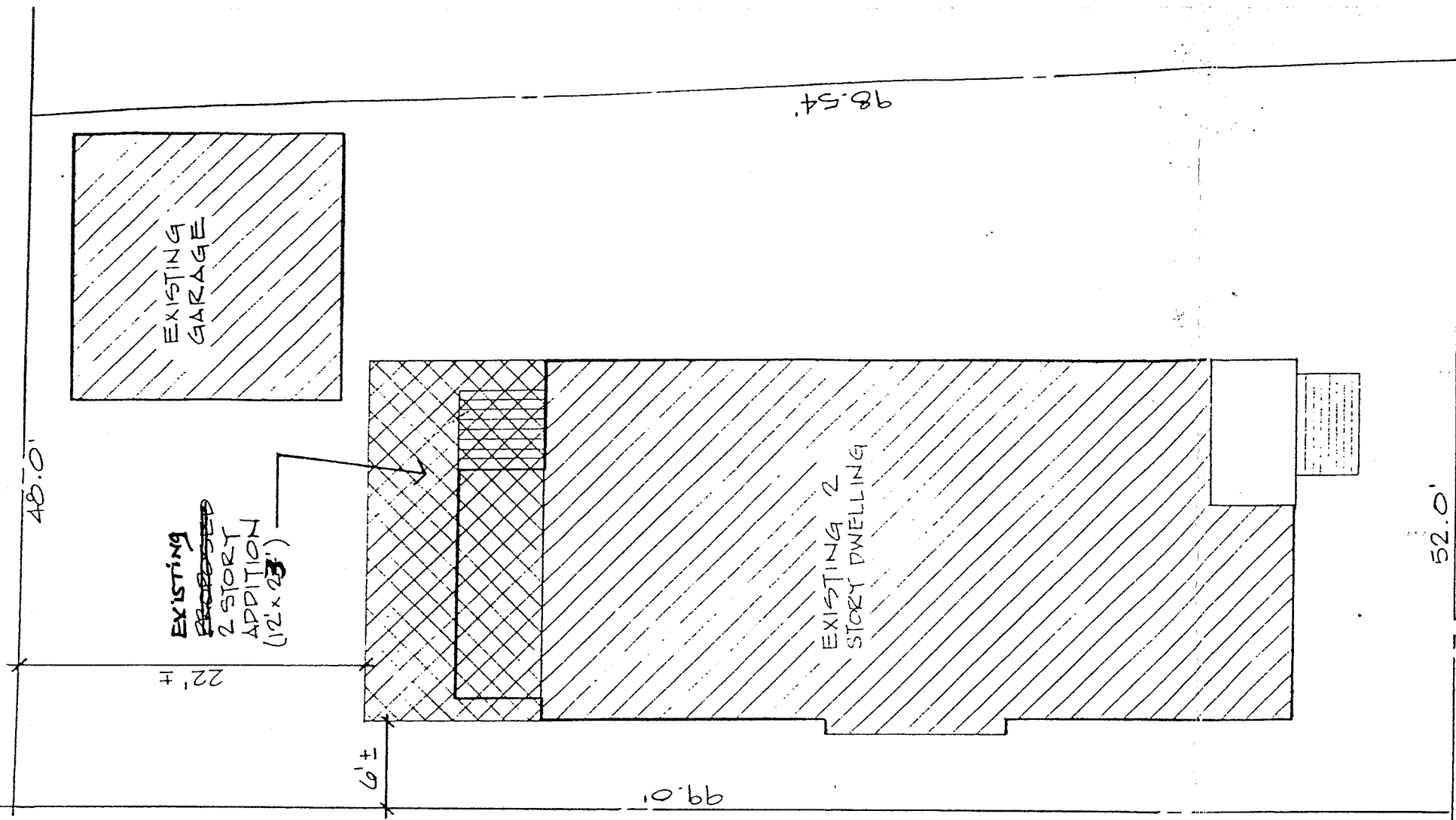
TOTAL FINISHED AREA 300sf



SITE DATA

ZONING	R 2	SQ. FT.
LOT SIZE	60'	
FRONTAGE	60'	
LOT COVERAGE	35%	
DETACHES		
FRONT	20'	
SIDE	10'	
REAR	20'	
MAX. STORIES	2½	
MAX. HEIGHT	35'	

LOT 13



WINTER STREET

STREET

SITE PLAN
SCALE 1" = 10'

SURVEY DATA REGARDING BOUNDARY LINES AND LOCATION(S) OF EXISTING STRUCTURE(S) ON THE SITE WAS TAKEN FROM PLAN ENTITLED: MORTGAGE SURVEY PLAN, PREPARED BY FREDERICK R. JOYCE, CO. SURVEYORS, BELMONT MA.-DATED 7.28.85

**No. 84--86 BROADWAY
N/F
MAHONEY FAMILY TRUST
BK 65318; PG 151**

'6-78 WINTER ST.
N/F
M REALTY TRUST
56475; PG 253

**No. 80 BROADWAY
N/F
BROADWAY REALTY TRUST
BK 19010; PG 361**

82 Winter St

BENCHMARK:
MAG SET IN UTILITY POLE
ELEV = 28.33 (NAVD88)

UNITED J., STREET