

From: "Christian Klein" <CKlein@town.arlington.ma.us>
To: "Vincent Lee" <VLee@town.arlington.ma.us>, "Zoning Board of Appeals" <ZBA@town.arlington.ma.us>
Date: 11/15/2022 11:42 AM
Subject: Fwd: Docket 3721: 13-15 Melrose St;

Vin,

When you have a minute, please post this email to the record for tonight's hearing.

Christian Klein
Chair, Arlington ZBA
cklein@town.arlington.ma.us

From: Chris Loreti <cloreti@verizon.net>
To: Christian Klein <CKlein@town.arlington.ma.us>
Cc: Zoning Board of Appeals <zba@town.arlington.ma.us>
Date: Tue, 15 Nov 2022 11:01:26 -0500
Subject: Docket 3721: 13-15 Melrose St;

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Dear ZBA Chair Klein and colleagues:

I will be unable to attend tonight's ZBA hearing and ask that these written comments be made part of Docket 3721 for 13-15 Melrose Street and shared with the board prior to the meeting.

The proposed changes for 13-15 Melrose appear to be fairly modest, and I have no particular objections to them. I trust the ZBA will consider the application as it normally does to ensure compliance with the town's zoning bylaw and design guidelines.

I have a number of objections to the Planning Department memo to the ZBA and how the department suggests this application should be handled. (Henceforth, I will refer to the Planning Department simply as the department.)

First, the department uses the incorrect floor area calculation supplied by the applicant rather than figures calculated correctly by the Inspectional Services Department (ISD) or in accordance with its methods. The bylaw explicitly excludes the floor area of accessory garages, but it is included by the applicant. The floor area of the home itself may also be calculated incorrectly.

The floor area calculations are relevant to the board's consideration of open space compliance. Once the floor area is calculated correctly, it may well be that the existing home is conforming with respect to usable open space, and the board will need to determine if a new non-conformity is being created. (Note that the yard dimensions indicate that the definition of usable open space is met; the question is the amount.)

The department's (and the legal notice) incorrectly state the basis for the special permit. I believe the operative section of the Zoning Bylaw is 8.1.6A, because the usable open space is clearly being

reduced either increasing an existing non-conformity or creating a new one thus triggering a Special Permit.

I take particular exception to the department's claim that the modification to this home can be done by right. The need for a Special Permit is determined by the Zoning Enforcement Officer, not the department. The department has provided no indication that this application is being handled any differently from other similar ones. Indeed, it lists similar Special Permits in its memo. It is important that the bylaw be enforced consistently among applicants. If the department does not like the way the bylaw is being applied, it should consult with appropriate boards about submitting a zoning bylaw change to Town Meeting.

The department's recommendation that the application be withdrawn strikes me as bizarre. It is up to the applicant to determine whether the application should be withdrawn, and he is free to do so if he no longer wishes to proceed with his plans. But he cannot expect to obtain a building permit by right merely because the department lacks an understanding of the facts of the case and the way the zoning bylaw has been traditionally, and consistently applied.

Thank you for considering these comments.

Chris Loreti

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Arlington, MA