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To: Christian Klein <CKlein@town.arlington.ma.us>, Zoning Board of Appeals
<zba@town.arlington.ma.us>
Date: Tue, 6 Dec 2022 12:07:41 -0500
Subject: Comments on ZBA Dockets 3725 and 3726

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Dear ZBA Chair Klein,

I write to provide comments on the two special permit hearings before the ZBA this evening. Since I will not be able to attend, I ask that you distribute these comments to your colleagues.

I have not seen a memo from the Planning Department on either of these hearings. If they exist, I ask that you have them posted.

1. 160 Wollaston (Docket 3725)

As a threshold question, the ZBA needs to consider if the changes at this property represent an addition or new construction. This is so because the plans seem to indicate an addition, yet the usable open space seems to be being reduced to less than the minimum dimension of 25'.

If the changes to this home this year constitute an addition, then the 25' minimum should have been maintained and should not be further reduced by encroachment of an entrance (for an accessory dwelling unit?) under section 5.3.9.A. I believe an unenclosed stairway would be more appropriate in this situation, and under 5.3.9.B would not require relief from the ZBA. (And it is my understanding that it could still be covered as long as not enclosed under this section.)

2. 320 Appleton (Docket 3726)

This application raises the question of just what is an "enclosed entrance" under Section 5.3.9.A. It is not clear to me that a mud-room, particularly if it is conditioned space, qualifies. If the board believes that it does, then what is to stop someone from building such a room of arbitrary size right out to the property line and claiming the ZBA can approve it with a special permit under this section rather than a variance?

In addition, the special permit exception says the ZBA can, by special permit approve a porch or enclosed entrance larger than 25 square feet. It does not say that it can approve one that projects more than 3.5 feet from the foundation line as limited by the previous sentence.

I suggest that the ZBA propose modifications to the town's Zoning Bylaw to make explicit the limits to porches or enclosed entrance under Section 5.3.9.A beyond which a variance is required.

Thank you for considering these comments.

Chris Loreti
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