



TOWN CLERK'S OFFICE  
ARLINGTON, MA 02170

2023 MAY -2 AM 9:19

Town of Arlington  
Zoning Board of Appeals  
23 Maple Street  
Arlington, Massachusetts 02476  
781-316-3396  
[www.arlingtonma.gov](http://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 **Lindsay and Stephen Bronstein** of Arlington, MA. On April 10, 2023 a petition seeking permission to alter their property located at **48 Oakland Avenue - Block Plan 163.0-0001-0009.0** Said petition would require a Special Permit under **Section 8.1.3(b) and 5.4.2 (A)** of the Zoning Bylaw for the Town of Arlington.

A hearing in regards to the petition will be conducted remotely via "Zoom" **Tuesday evening at 7:30 P.M on May 23, 2023 as soon thereafter as the petitioner may be heard. To join the meeting, please register using the following URL:**

<https://www.arlingtonma.gov/town-governance/boards-and-committees/zoning-board-of-appeals/zba-calendar> and choose the date of the meeting you wish to attend.

**For documentation relating to this petition, visit the ZBA website 48 hours prior to the hearing at <https://www.arlingtonma.gov/town-governance/boards-and-committees/zoning-board-of-appeals/agendas-minutes>**

**DOCKET NO 3751**

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 Lindsay and Stephen Bronstein  
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*:

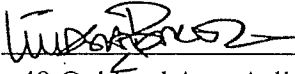
Section 8.1.3 (a) and (b)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The Applicant states he/she/they is/are the owner/occupant of the land in Arlington located at 48 Oakland Avenue 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 proposed addition will be a closet to the primary bedroom, built on top of an existing sunroom  
the encroaches on the side setback. Due to the slope of the lot, the basement is considered a story.

Therefore the house is an existing nonconforming 3 1/2 story structure, although it doesn't appear so  
from the public way. The property abuts town land at Ottoson Middle school to the side/rear.

E-Mail: lkeach@gmail.com

Signed: 

Date: 04/10/23

Telephone: 415-713-8554

Address: 48 Oakland Ave. Arlington MA 02476

**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.

Single family use- allowed in zone

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

no change is requested

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

no change is requested

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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.*

no change is requested

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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.

no change is requested

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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.

no change is requested

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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.*

no change is requested

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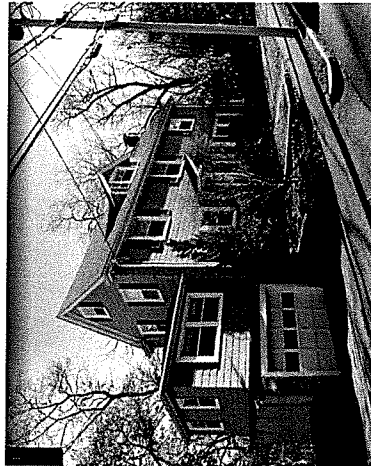
SPECIAL PERMIT APPLICATION

**48 OAKLAND AVE,  
ARLINGTON, MA**

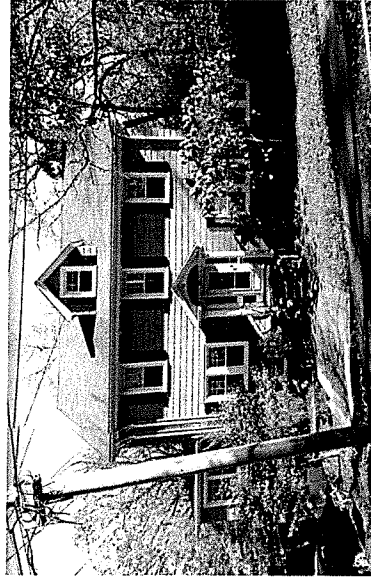
SEEKING PERMISSION TO BUILD ABOVE  
THE EXISTING ONE STORY SUNROOM,  
EXISTING NON CONFORMING IN SETBACK  
AND TECHNICALLY CONSIDERED A 3.5  
STORY HOUSE.



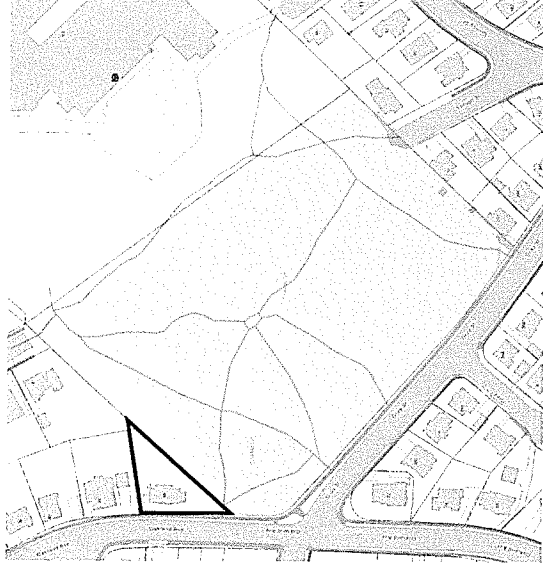
48 Oakland Ave, as seen while driving down the hill. Addition proposed over one story sunroom in place of roof access and railing. The house is existing non-conforming 3.5 story due to the basement calculating as a story. The upper front area of the property adjacent to the sunroom over to the driveway has been leveled, which creates the impression that the house is a 2.5 story home at the angle from which the addition above the sunroom would be visible.



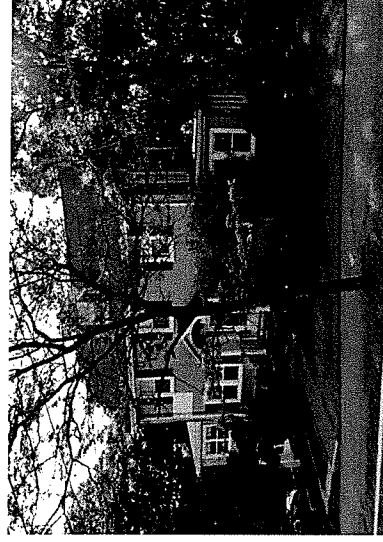
48 Oakland Ave, as seen while driving up the hill. Addition proposed over one story sunroom, opposite end of house



48 Oakland Ave, directly in front of the house. The addition is proposed over the sun room on the right.



48 Oakland Ave, on GIS viewer. The property is buffered by woodlands along the side and rear of its almost wedge shaped lot.



48 Oakland Ave, just uphill from the house. The addition is proposed over the sun room in place of the roof access and railing.

Bronstein Residence  
48 Oakland Avenue, Arlington MA

4/16/23

OWNER OF RECORD  
LINDSAY KEACH BRONSTEIN &  
STEPHEN BARTON BRONSTEIN  
48 OAKLAND AVENUE  
ARLINGTON, MA

DEED REFERENCE  
BOOK 69179 PAGE 394

PLAN REFERENCE  
BOOK 5016 END

DATED JULY 1926

TOWN OF ARLINGTON  
ASSESSORS MAP 163 BLOCK 1 LOT 9

EXISTING BUILDING HEIGHT CALCULATION  
ROOF PEAK = 300.30'  
AVERAGE LOWEST GRADE = 268.66'  
BUILDING HEIGHT = 300.30' - 268.66' = 31.64'

EXISTING AVERAGE LOWEST GRADE WITHIN  
6. OF BUILDING CALCULATION  
274.0+273.2+272.3+270.5+266.17+265.83+265.50  
263.0+265.1+261.6+265.2+269.7+270.15+271.3+  
272.3+272.8+4,298.65  
4,298.65/76 = 268.66

EXISTING BASEMENT CALCULATION  
AVERAGE BASEMENT ELEVATION = 270.42'  
BASEMENT FLOOR = 268.50'  
AVERAGE GRADE AGAINST BUILDING = 269.50'  
BASEMENT CEILING 274.13' - AVERAGE GRADE 269.50' = 4.63'

EXISTING GROSS FLOOR AREA CALCULATION  
ATTIC 0 S.F.  
SECOND FLOOR 796 S.F.  
FIRST FLOOR 1,091 S.F.  
BASEMENT 824 S.F.  
TOTAL 2,711 S.F.

REQUIRED EXISTING USABLE OPEN SPACE  
30% OF GROSS FLOOR AREA = 813 S.F.

EXISTING USABLE OPEN SPACE  
1,893 S.F.

EXISTING IMPERVIOUS  
EXISTING BUILDING 1,178 S.F.  
EXISTING CONC PATIO 303 S.F.  
EXISTING WALKS, CONCRETE PAD & STAIRS 527 S.F.  
EXISTING RETAINING WALLS 266 S.F.  
TOTAL EXISTING IMPERVIOUS 2,722 S.F.

PROPOSED BUILDING HEIGHT CALCULATION  
ROOF PEAK = 300.30'  
AVERAGE LOWEST GRADE = 268.66'  
BUILDING HEIGHT = 300.30' - 268.66' = 31.64'

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PROPOSED GROSS FLOOR AREA CALCULATION  
ATTIC 0 S.F.  
SECOND FLOOR 909 S.F.  
FIRST FLOOR 1,091 S.F.  
BASEMENT 824 S.F.  
TOTAL 2,824 S.F.

REQUIRED PROPOSED USABLE OPEN SPACE  
30% OF GROSS FLOOR AREA = 847 S.F.

PROPOSED OPEN SPACE  
1,893 S.F.

PROPOSED IMPERVIOUS  
EXISTING BUILDING 1,178 S.F.  
EXISTING CONC PATIO 303 S.F.  
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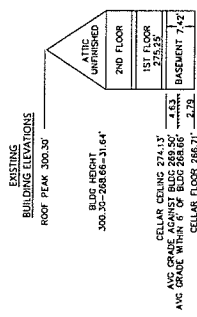
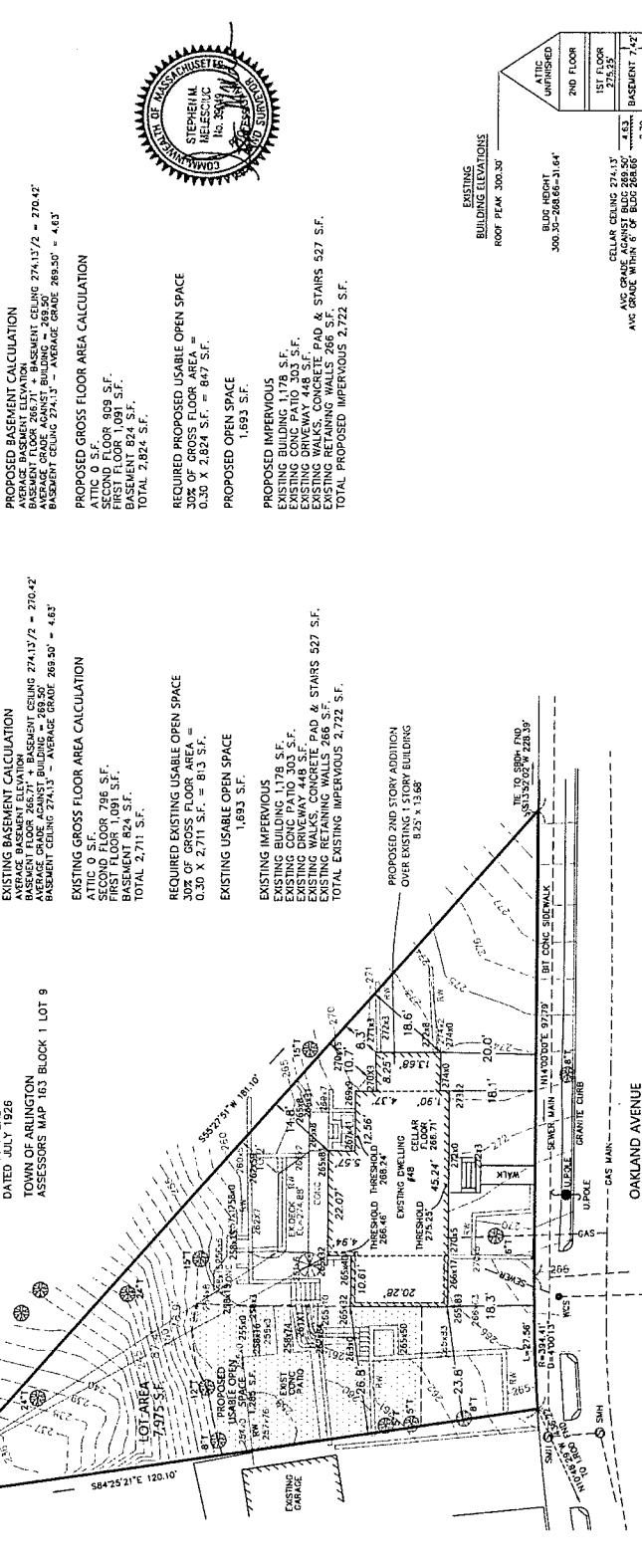
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EXISTING BUILDING 1,178 S.F.  
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TOTAL EXISTING IMPERVIOUS 2,722 S.F.



**PROPOSED ADDITION**

48 OAKLAND AVENUE  
ASSESSORS MAP 163 BLOCK 1 LOT 9  
ARLINGTON, MA

PREPARED FOR  
LINDSAY KEACH BRONSTEIN &  
STEPHEN BARTON BRONSTEIN

**STEPHEN M. MELESCIUC**  
PROFESSIONAL LAND SURVEYOR #39049

514 GAZEBO CIRCLE  
READING, MA  
(781) 844-7108

SCALE: 1" = 15'  
DATE: APRIL 4, 2023

416/23

Bronstein Residence  
48 Oakland Avenue, Arlington MA

**ZONE R1**

**ZONING DIMENSIONAL REGULATIONS**

REQUIRED:  
MINIMUM LOT AREA: 6,000 S.F.  
MINIMUM FRONT SETBACK: 60'  
MINIMUM SIDE SETBACK: 10'  
MINIMUM REAR SETBACK: 20'  
MINIMUM BUILDING HEIGHT: 35'  
MINIMUM USABLE OPEN SPACE: 30% OF GROSS FLOOR AREA = 847 S.F.  
MINIMUM LANDSCAPED OPEN SPACE: 30% OF GROSS FLOOR AREA = 282 S.F.  
REAR SETBACK SYSTEM IF MORE THAN 350 SF OF IMPERVIOUS IS ADDED.

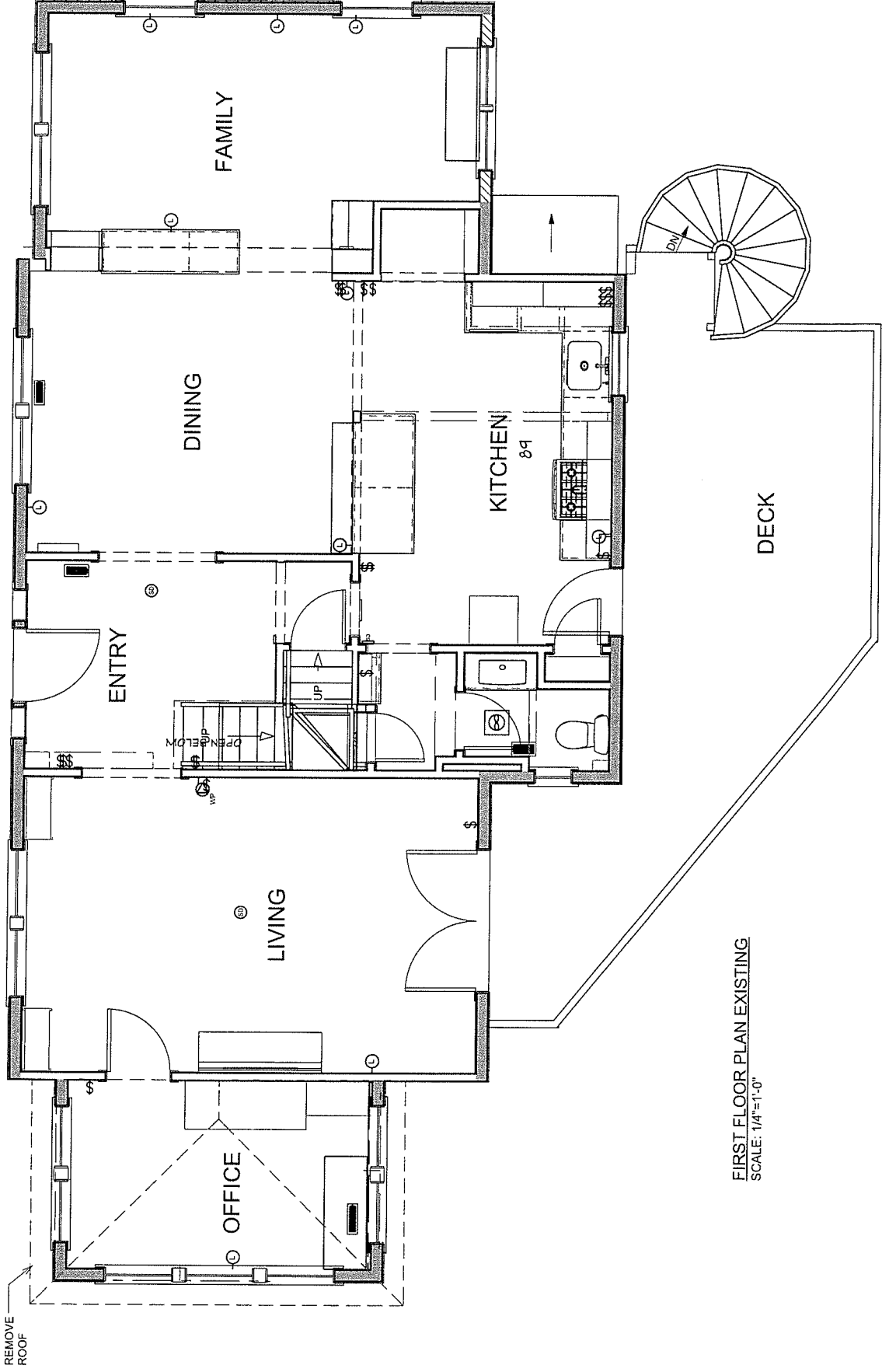
**EXISTING:**

LOT AREA: 7,975 S.F.  
LOT FRONTAGE: 125.35'  
FRONT SETBACK: 6.11'  
SIDE SETBACK: 6.11'  
REAR SETBACK: 78.9'  
BUILDING HEIGHT: 31.64'  
GROSS FLOOR AREA: 2,711 S.F.  
LANDSCAPED OPEN SPACE = OVER 1,000 S.F.  
IMPERVIOUS = 2,722 S.F.

**PROPOSED:**

LOT AREA: 7,975 S.F.  
LOT FRONTAGE: 125.35'  
FRONT SETBACK: 6.11'  
SIDE SETBACK: 6.11'  
REAR SETBACK: 78.9'  
BUILDING HEIGHT: 31.64'  
GROSS FLOOR AREA: 2,824 S.F.  
LANDSCAPED OPEN SPACE = OVER 1,000 S.F.  
IMPERVIOUS = 2,722





FIRST FLOOR PLAN EXISTING  
SCALE: 1/4"=1'-0"

REMOVE  
ROOF

OFFICE

LIVING

ENTRY

DINING

FAMILY

KITCHEN

DECK

DN

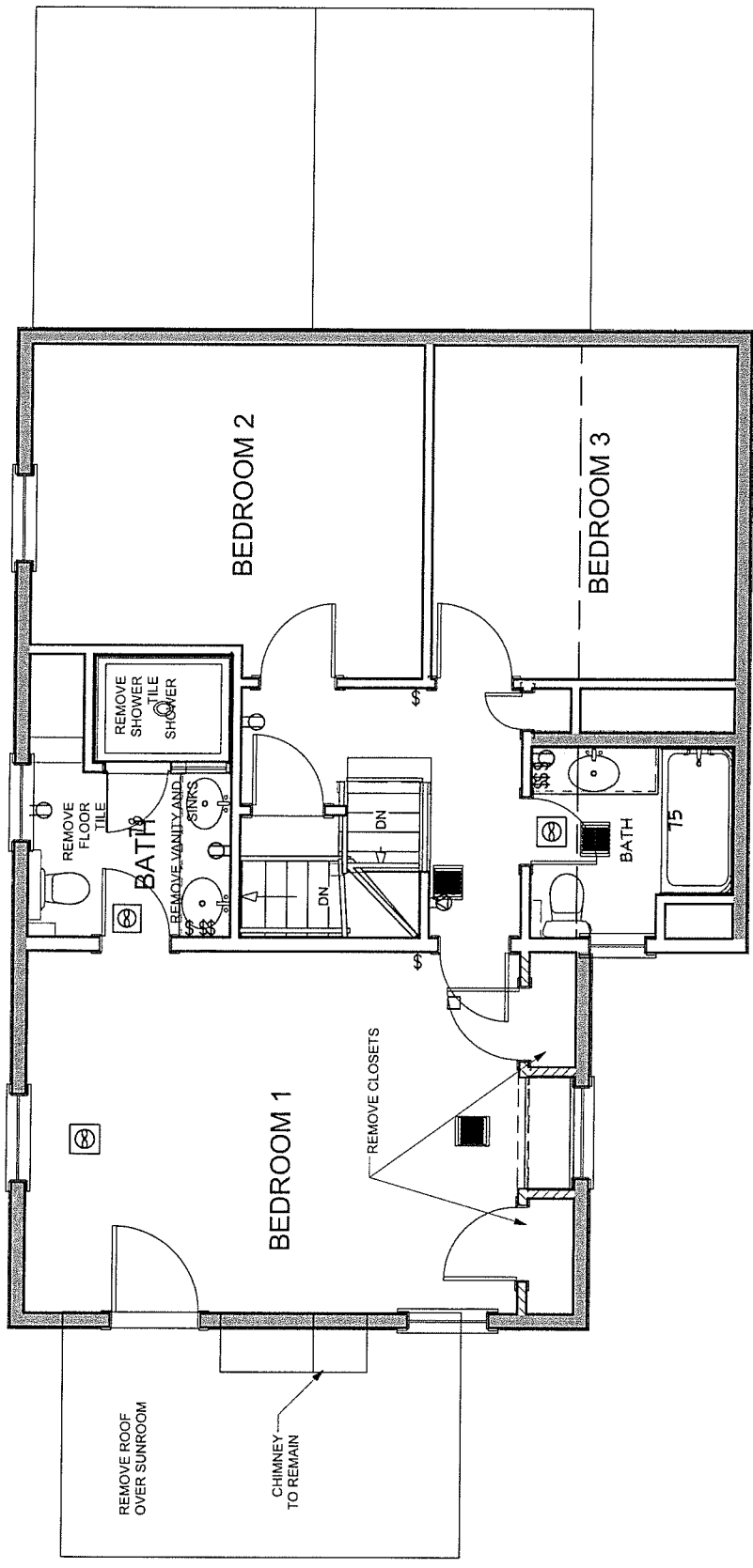


617 489 8535

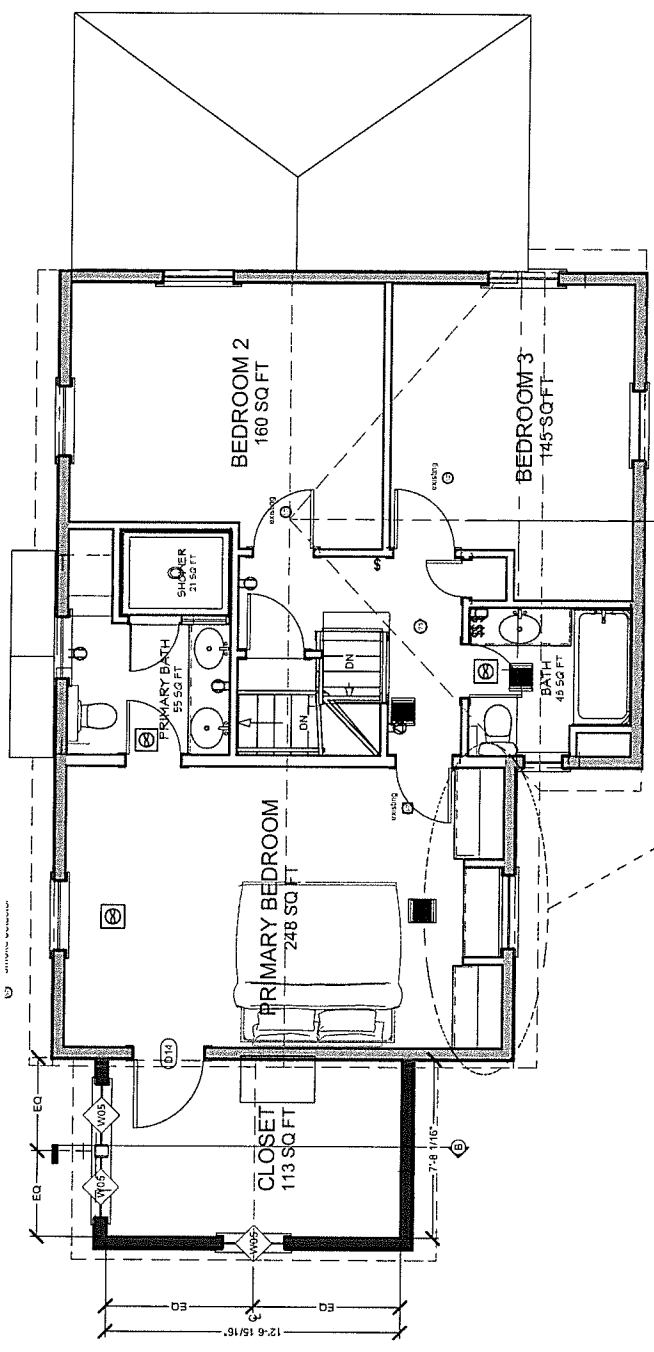
Bronstein Residence  
48 Oakland Avenue, Arlington MA

EXISTING  
DEMO  
4/6/23

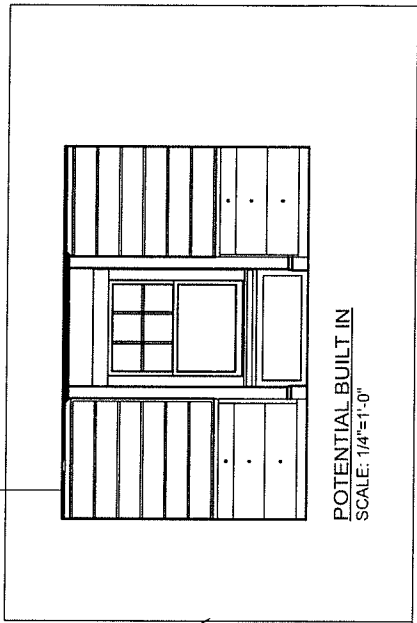
D1.2

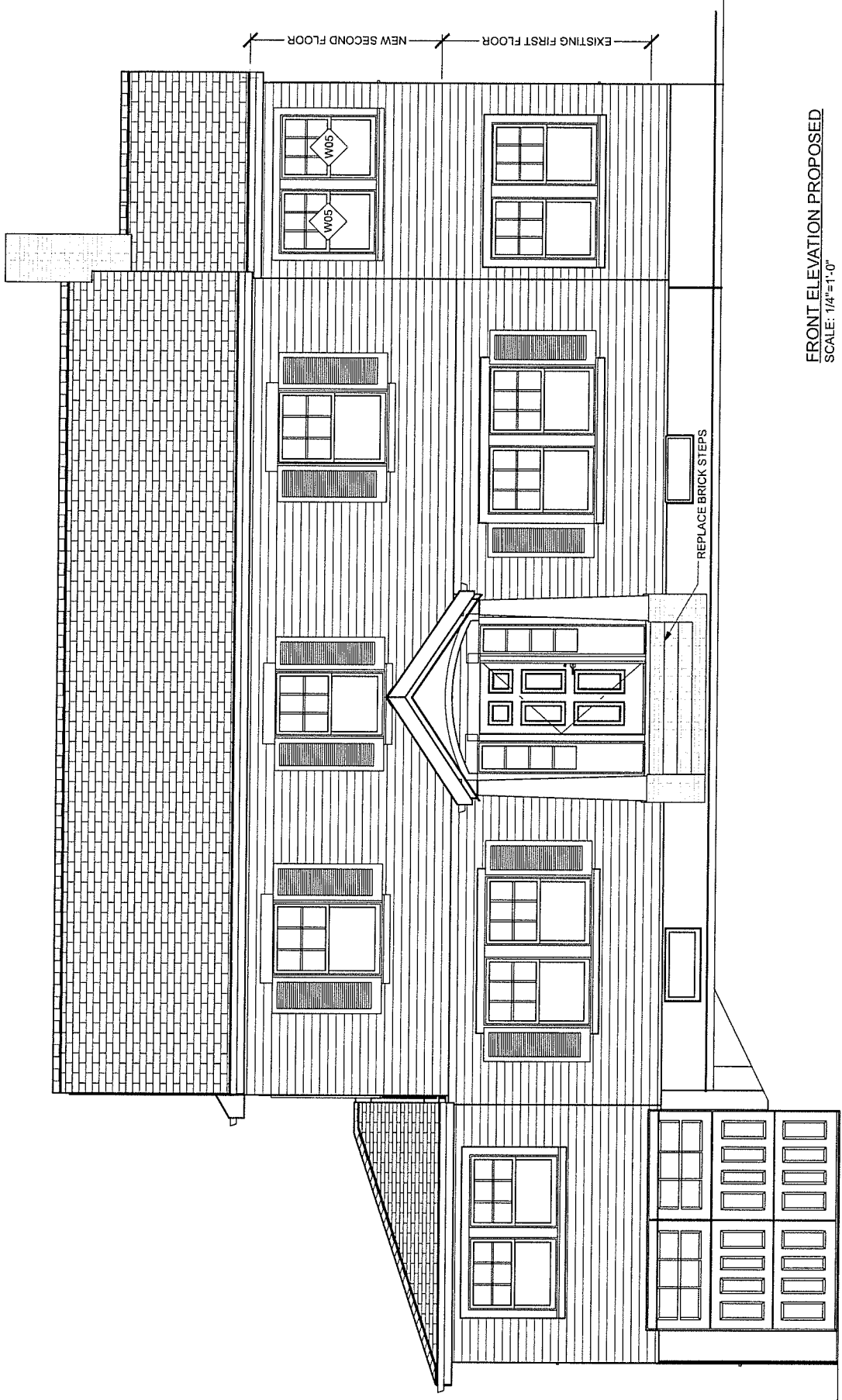


SECOND FLOOR PLAN EXISTING  
SCALE: 1/4"=1'-0"



SECOND FLOOR PLAN PROPOSED  
SCALE: 3/16"=1'-0"





FRONT ELEVATION PROPOSED  
SCALE: 1/4"=1'-0"

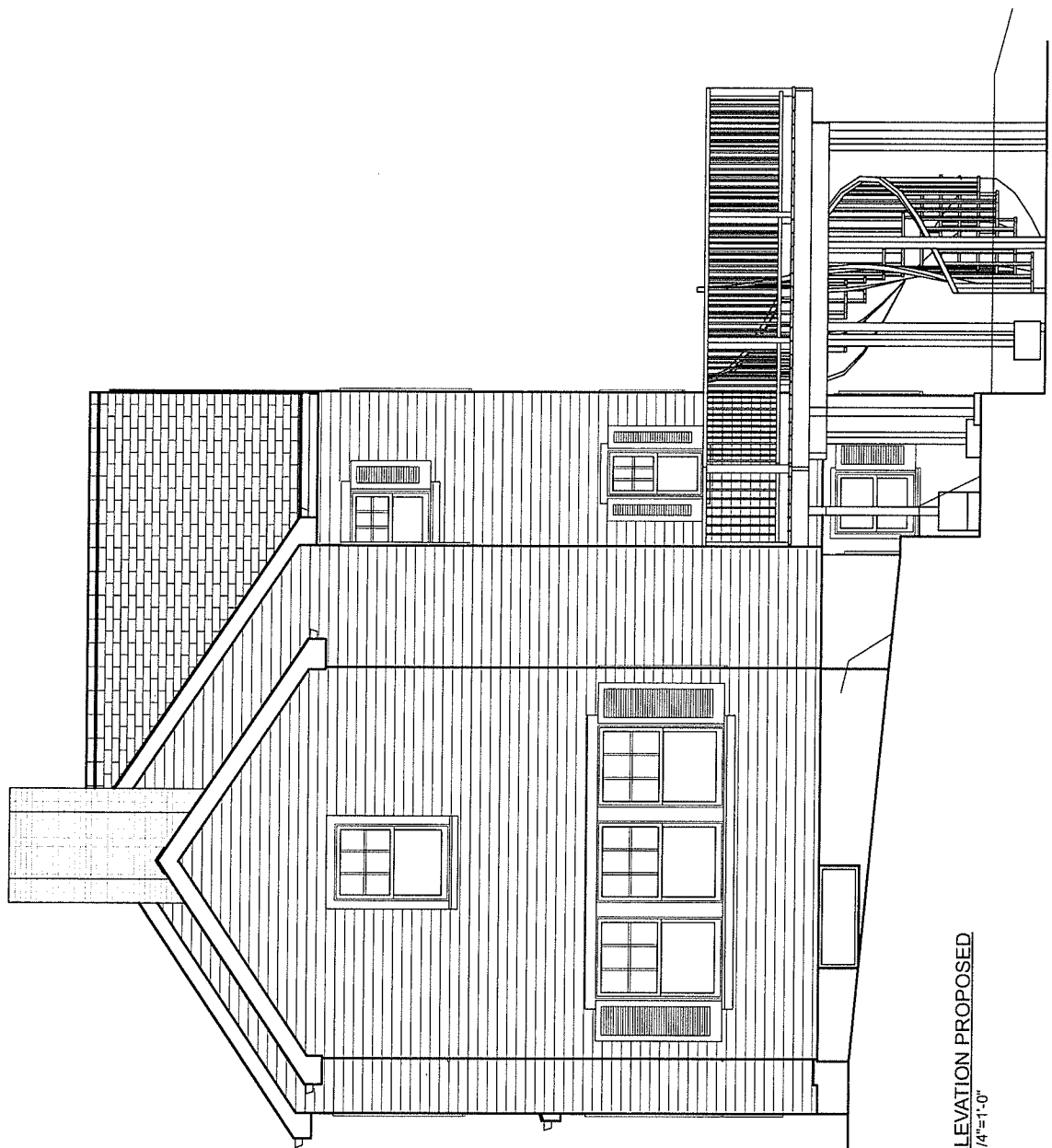


617 489 8535

Bronstein Residence  
48 Oakland Avenue, Arlington MA

ELEVATION  
4/6/23

A2.2



SIDE ELEVATION PROPOSED  
SCALE: 1/4"=1'-0"



617 489 8535

Bronstein Residence  
48 Oakland Avenue, Arlington MA

ELEVATION  
4/6/23

A2.1



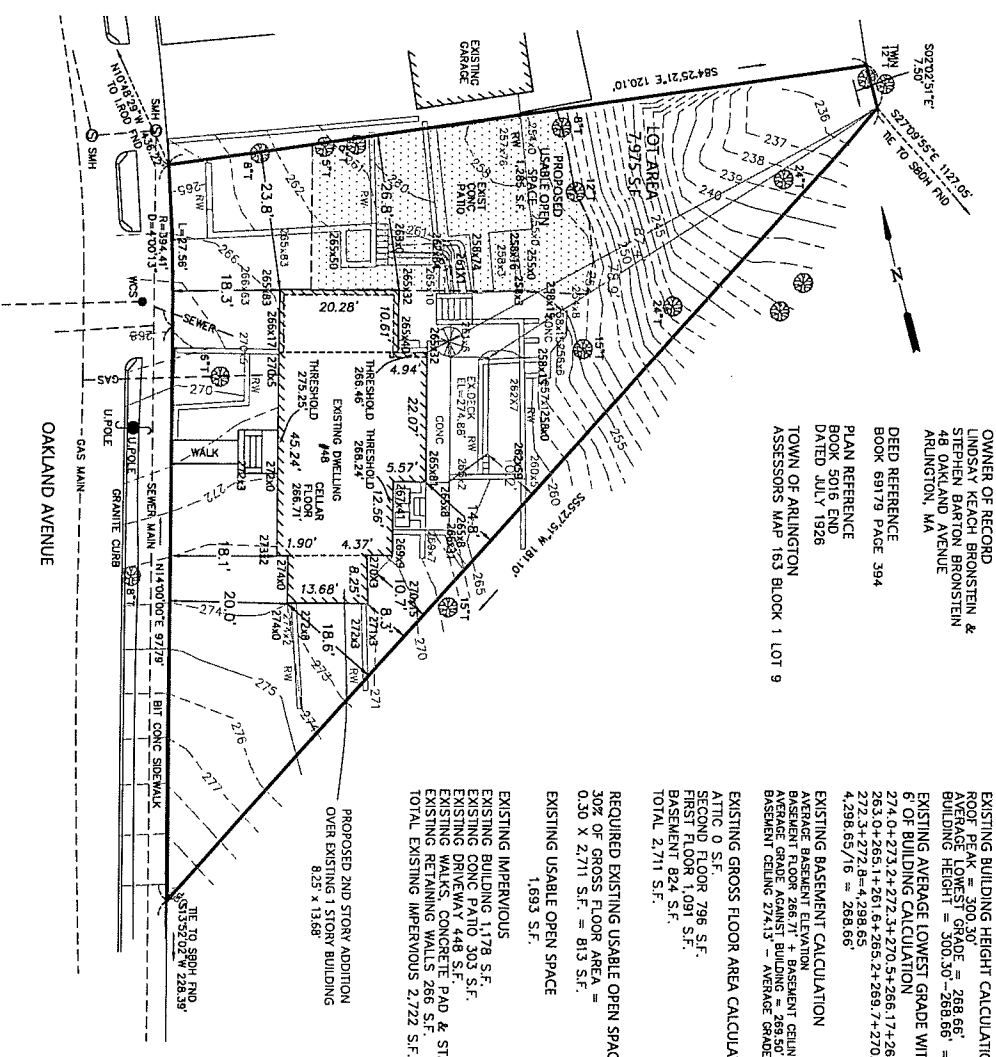
REAR ELEVATION PROPOSED  
SCALE: 1/4"=1'-0"

OWNER OF RECORD  
LINDSAY KEACH BRONSTEIN &  
STEPHEN BARTON BRONSTEIN  
48 OAKLAND AVENUE  
ARLINGTON, MA

DEED REFERENCE  
BOOK 69179 PAGE 394

PLAN REFERENCE  
BOOK 5016 END  
DATED JULY 1926

TOWN OF ARLINGTON  
ASSESSORS MAP 163 BLOCK 1 LOT 9



**EXISTING BUILDING HEIGHT CALCULATION**  
 ROOF PEAK = 300.30'  
 AVERAGE LOWEST GRADE = 288.66'  
 BUILDING HEIGHT = 300.30' - 288.66' = 31.64'

**EXISTING AVERAGE LOWEST GRADE WITHIN 6' OF BUILDING CALCULATION**  
 274.0+273.2+272.2+270.5+266.17+265.83+265.50  
 263.0+265.1+261.6+265.2+269.7+270.15+271.3+  
 4.298.65/16 = 268.66'

**EXISTING BASEMENT CALCULATION**  
 AVERAGE BASEMENT ELEVATION  
 BASEMENT FLOOR 268.71' - BASEMENT CEILING 274.13'/2 = 270.42'  
 AVERAGE GRADE AGAINST BUILDING = 268.50'  
 BASEMENT CEILING 274.13' - AVERAGE GRADE 268.50' = 4.63'

**PROPOSED GROSS FLOOR AREA CALCULATION**  
 ATTIC 0 S.F.  
 SECOND FLOOR 796 S.F.  
 FIRST FLOOR 1,091 S.F.  
 BASEMENT 824 S.F.  
 TOTAL 2,711 S.F.

**REQUIRED EXISTING USABLE OPEN SPACE**  
 30% OF GROSS FLOOR AREA =  
 0.30 X 2,711 S.F. = 813 S.F.

**EXISTING USABLE OPEN SPACE**  
 1,693 S.F.

**PROPOSED BUILDING HEIGHT CALCULATION**  
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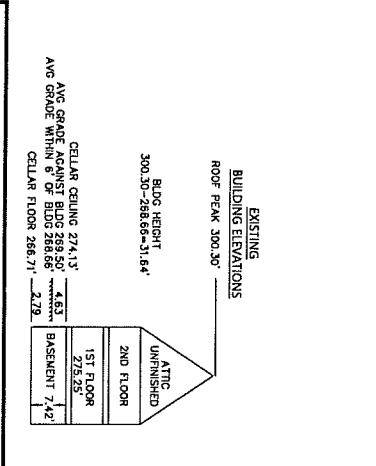
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 ATTIC 0 S.F.  
 SECOND FLOOR 909 S.F.  
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 BASEMENT 824 S.F.  
 TOTAL 2,824 S.F.

**REQUIRED PROPOSED USABLE OPEN SPACE**  
 30% OF GROSS FLOOR AREA =  
 0.30 X 2,824 S.F. = 847 S.F.

**PROPOSED OPEN SPACE**  
 1,693 S.F.

**EXISTING IMPERVIOUS**  
 EXISTING BUILDING 1,178 S.F.  
 EXISTING CONC PATIO 303 S.F.  
 EXISTING DRIVEWAY 4.48 S.F.  
 EXISTING WALKS, CONCRETE PAD & STAIRS 527 S.F.  
 EXISTING RETAINING WALLS 266 S.F.  
 TOTAL EXISTING IMPERVIOUS 2,722 S.F.

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**PROPOSED ADDITION**

48 OAKLAND AVENUE  
 ASSESSORS MAP 163 BLOCK 1 LOT 9  
 ARLINGTON, MA  
 PREPARED FOR  
 LINDSAY KEACH BRONSTEIN &  
 STEPHEN BARTON BRONSTEIN

**STEPHEN M. MELESCUC**  
 PROFESSIONAL LAND SURVEYOR #39049

514 GAZEBO CIRCLE  
 READING, MA  
 (781) 844-7108

SCALE: 1" = 15'  
 DATE: APRIL 4, 2023

**ZONE: R1**

**REQUIRED:**

MINIMUM LOT AREA: 6,000 S.F.  
 MINIMUM FRONT SETBACK: 60'  
 MINIMUM SIDE SETBACK: 25'  
 MINIMUM REAR SETBACK: 20'  
 MAXIMUM LOT COVERAGE: 35% = 2,127 S.F.  
 MAXIMUM HEIGHT: 2-1/2 STORIES = 35'  
 MINIMUM USABLE OPEN SPACE: 30% OF GROSS FLOOR AREA = 847 S.F.  
 MINIMUM LANDSCAPED OPEN SPACE: 10% OF GROSS FLOOR AREA = 282 S.F.  
 RECHARGE SYSTEM IF MORE THAN 350 SF OF IMPERVIOUS IS ADDED.

**EXISTING:**

LOT AREA: 7,975 S.F.  
 LOT FRONTAGE: 125.5'  
 FRONT SETBACK: 19.1'  
 SIDE SETBACK: 8.3'  
 REAR SETBACK: 78.9'  
 LOT COVERAGE: 1,127 S.F. / 7,975 S.F. = 14%  
 BUILDING HEIGHT: 3 STORIES = 31.64'  
 GROSS FLOOR AREA: 2,711 S.F.  
 USABLE OPEN SPACE = 1,693 S.F.  
 LANDSCAPED OPEN SPACE = OVER 1,000 S.F.  
 IMPERVIOUS = 2,722 S.F.

**PROPOSED:**

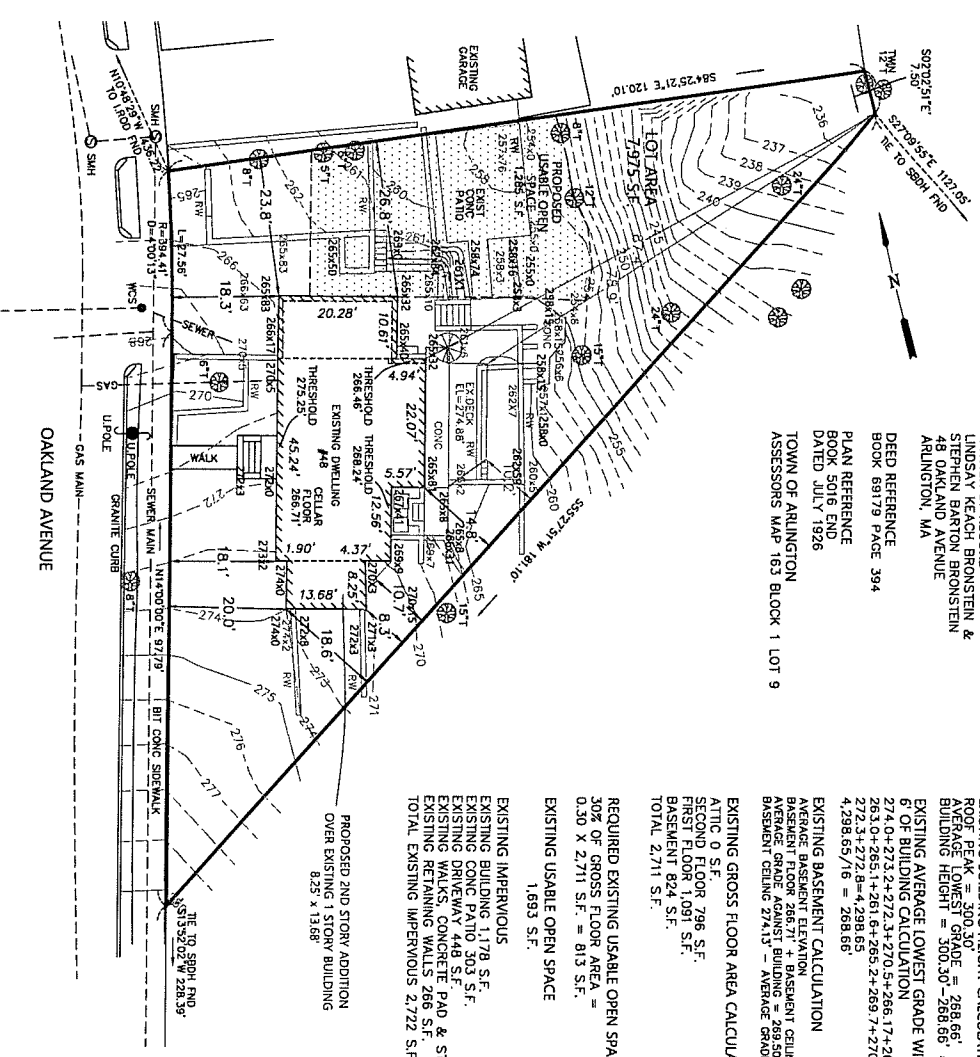
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 SIDE SETBACK: 8.3'  
 REAR SETBACK: 78.9'  
 LOT COVERAGE: 1,127 S.F. / 7,975 S.F. = 14%  
 BUILDING HEIGHT: 3 STORIES = 31.64'  
 GROSS FLOOR AREA: 2,824 S.F.  
 USABLE OPEN SPACE = 1,693 S.F.  
 LANDSCAPED OPEN SPACE = OVER 1,000 S.F.  
 IMPERVIOUS = 2,722

OWNER OF RECORD  
LINDSAY KEACH BRONSTEIN &  
STEPHEN BARTON BRONSTEIN  
48 OAKLAND AVENUE  
ARLINGTON, MA

DEED REFERENCE  
BOOK 69179 PAGE 394

PLAN REFERENCE  
BOOK 5016 END  
DATED JULY 1926

TOWN OF ARLINGTON  
ASSESSORS MAP 183 BLOCK 1 LOT 9



EXISTING BUILDING HEIGHT CALCULATION  
ROOF PEAK = 300.30'  
AVERAGE LOWEST GRADE = 268.66'  
BUILDING HEIGHT = 300.30' - 268.66' = 31.64'

EXISTING AVERAGE LOWEST GRADE WITHIN 6' OF BUILDING CALCULATION  
274.04 + 272.24 + 272.34 + 270.54 + 266.17 + 265.83 + 265.50 + 263.04 + 265.14 + 261.64 + 265.24 + 269.74 + 270.15 + 271.34 + 272.34 + 272.84 + 268.66' = 268.66'

EXISTING BASEMENT ELEVATION  
BASEMENT FLOOR 266.71' + BASEMENT CEILING 274.13'/2 = 270.42'  
AVERAGE GRADE AGAINST BUILDING 268.66'  
BASEMENT CEILING 274.13' - AVERAGE GRADE 268.66' = 4.63'

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30% OF GROSS FLOOR AREA = 0.30 X 2,711 S.F. = 813 S.F.

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EXISTING IMPERVIOUS  
EXISTING BUILDING 1,178 S.F.  
EXISTING DRIVEWAY 303 S.F.  
EXISTING WALKS, CONCRETE PAD & STAIRS 527 S.F.  
EXISTING REMAINING IMPERVIOUS 2,722 S.F.

PROPOSED 2ND STORY ADDITION  
OVER EXISTING 1 STORY BUILDING  
8.25' X 13.68'

PROPOSED BUILDING HEIGHT CALCULATION  
ROOF PEAK = 300.30'  
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BUILDING HEIGHT = 300.30' - 268.66' = 31.64'

PROPOSED AVERAGE LOWEST GRADE WITHIN 6' OF BUILDING CALCULATION  
274.04 + 272.24 + 272.34 + 270.54 + 266.17 + 265.83 + 265.50 + 272.34 + 265.14 + 261.64 + 265.24 + 269.74 + 270.15 + 271.34 + 272.34 + 272.84 + 268.66' = 268.66'

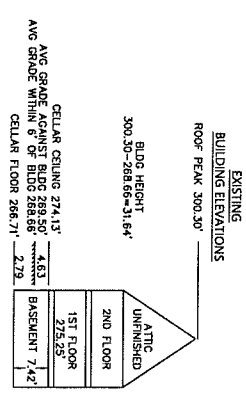
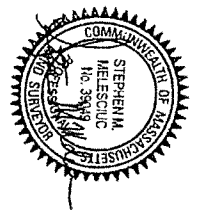
PROPOSED BASEMENT ELEVATION  
BASEMENT FLOOR 266.71' + BASEMENT CEILING 274.13'/2 = 270.42'  
AVERAGE GRADE AGAINST BUILDING 268.66'  
BASEMENT CEILING 274.13' - AVERAGE GRADE 268.66' = 4.63'

PROPOSED GROSS FLOOR AREA CALCULATION  
ATTIC 0 S.F.  
SECOND FLOOR 909 S.F.  
FIRST FLOOR 1,091 S.F.  
BASEMENT 824 S.F.  
TOTAL 2,824 S.F.

REQUIRED PROPOSED USABLE OPEN SPACE  
30% OF GROSS FLOOR AREA = 0.30 X 2,824 S.F. = 847 S.F.

PROPOSED OPEN SPACE  
1,693 S.F.

PROPOSED IMPERVIOUS  
EXISTING BUILDING 1,178 S.F.  
EXISTING DRIVEWAY 448 S.F.  
EXISTING WALKS, CONCRETE PAD & STAIRS 527 S.F.  
EXISTING REMAINING IMPERVIOUS 2,666 S.F.  
TOTAL PROPOSED IMPERVIOUS 2,722 S.F.



**PROPOSED ADDITION**

48 OAKLAND AVENUE  
ASSESSORS MAP 163 BLOCK 1 LOT 9  
ARLINGTON, MA  
PREPARED FOR  
LINDSAY KEACH BRONSTEIN &  
STEPHEN BARTON BRONSTEIN

**STEPHEN M. MELESCIUC**  
PROFESSIONAL LAND SURVEYOR #39049

514 GAZEBO CIRCLE  
READING, MA  
(781) 844-7108

SCALE: 1" = 15'  
DATE: APRIL 4, 2023

ZONE: R1  
ZONING DIMENSIONAL REGULATIONS  
REQUIRED:  
MINIMUM LOT AREA: 6,000 S.F.  
MINIMUM LOT FRONTAGE: 60'  
MINIMUM FRONT SETBACK: 25'  
MINIMUM SIDE SETBACK: 10'  
MINIMUM REAR SETBACK: 20'  
MAXIMUM LOT COVERAGE: 35% = 2,191 S.F.  
MAXIMUM HEIGHT: 2 1/2 STORIES = 35'  
MINIMUM USABLE OPEN SPACE: 30% OF GROSS FLOOR AREA = 847 S.F.  
MINIMUM LANDSCAPED OPEN SPACE: 10% OF GROSS FLOOR AREA = 282 S.F.  
RECHARGE SYSTEM IF MORE THAN 350 SF OF IMPERVIOUS IS ADDED.

EXISTING:  
LOT AREA: 7,975 S.F.  
LOT FRONTAGE: 125.35'  
FRONT SETBACK: 18.1'  
SIDE SETBACK: 8.31'  
REAR SETBACK: 79.9'  
LOT COVERAGE: 1,127 S.F. / 7,975 S.F. = 14%  
BUILDING HEIGHT: 3 STORIES - 31.64'  
GROSS FLOOR AREA: 2,711 S.F.  
USABLE OPEN SPACE = 1,693 S.F.  
LANDSCAPED OPEN SPACE = OVER 1,000 S.F.  
IMPERVIOUS = 2,722 S.F.

PROPOSED:  
LOT AREA: 7,975 S.F.  
LOT FRONTAGE: 125.35'  
FRONT SETBACK: 18.1'  
SIDE SETBACK: 8.31'  
REAR SETBACK: 79.9'  
LOT COVERAGE: 1,127 S.F. / 7,975 S.F. = 14%  
BUILDING HEIGHT: 3 STORIES - 31.64'  
GROSS FLOOR AREA: 2,824 S.F.  
USABLE OPEN SPACE = 1,693 S.F.  
LANDSCAPED OPEN SPACE = OVER 1,000 S.F.  
IMPERVIOUS = 2,722