

REQUEST FOR SPECIAL PERMIT

TOWN OF ARLINGTON

In the matter of the Application of Nancy and Michael Flynn, 56 Newcomb Street
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 5.3.9(D), Projections into Minimum Yards: "Porches, decks, steps, and landings in the required setback are not considered to be within the foundation wall and may not be enclosed, extended, or built upon except by special permit."~~

~~District Open Space and Lot Coverage Regulations, Zoning By-laws section 5-16/Districts & Uses, p. 64): Maximum lot coverage 35% in district R2.~~

The Applicant states he/she/they is/are the owner/occupant of the land in Arlington located at 56 Newcomb Street 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 applicants propose to remodel the second floor residential unit. This proposal includes extending only 3' into the rear lot setback. The building ~~is already non-conforming as to projections into the rear yard setback and maximum lot coverage, and the proposed~~ remodel will not substantially increase either the amount of the projection into the setback or the current amount of lot coverage. The adverse effects of the proposed use ~~(there will be none) will not outweigh its beneficial impacts to the town or neighborhood (beneficial impact includes~~ improvement of the property, betterment of its use and enjoyment to the applicants and an increase in its market value). The requested use is desirable to the public ~~convenience or welfare, will not create any traffic congestion or impair pedestrian safety or overload any public water, drainage, sewer or municipal system or subject any area of the Town to health, safety or general welfare hazards..~~ The proposed use will also not impair the ~~integrity or character of the district or be detrimental to the character of the neighborhood, and will otherwise comply with the~~ criteria set forth in By-law sec. 3.3.3.*

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*The proposal also includes work on the rear entry/staircase which will bring it up to code, and the creation of an open porch in the rear of the first floor which will also provide safe access/egress to the backyard. These improvements will greatly enhance the safety and use and enjoyment of the premises for the first floor tenants, who are the elderly parents (94 and 89 years old) of the property owner/applicant Nancy Flynn. The proposed improvements will make it safer and easier for the tenants to enter the first-floor unit via the rear entry/staircase, and provide a porch for them to enjoy the outside and more safely and easily access the back yard.

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 property is located in an R2 district where two-family dwellings are permitted. It is currently a two-family dwelling as provided by section 5.4.1 (3) and will continue to be used as a two-family dwelling after the proposed remodel, so its use will not change.

The proposed remodel will extend into the rear setback, where it is already nonconforming. A special permit for this is permitted by section 5.3.9(D).

Sec. 8.1.1.A and 8.1.3B allowing extension of preexisting non-conforming nature of two-family dwellings upon approval of special permit.

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

The remodel will improve the applicant's use and enjoyment of the property by bringing it up to date in terms of enjoyability, design and functionality, and by making the dwelling more livable. New energy efficient appliances and heating/cooling systems will be installed, and the remodel also will incorporate the use of natural gas as well. The proposal will also bring the property up to date with other similarly remodeled homes in the neighborhood and this is in harmony with other structures in the neighborhood. The proposal will also increase the market value of the property, which will benefit not only the applicants but will also serve to increase the value of neighboring properties as well. Also, the proposal includes reconstructing the back entrance staircase which will bring it up to building code compliance, and improve the safety of the dwelling.

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

This is almost entirely an interior remodel. The exterior work will involve the back of the structure. The requested setback encroachment will have no impact at all on traffic or pedestrians.

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 requested setback does not involve public water, drainage or sewer systems, or any other municipal system, nor will the overall scope of the proposal result in an overload of these systems or otherwise create a hazard affecting the public health, safety or general welfare.

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 proposal will not substantially increase either the amount of the projection into the setback or the current amount of lot coverage. The adverse effects of the proposed use (there will be none) will not outweigh its beneficial impacts to the town or neighborhood (beneficial impact includes improvement of the property, betterment of its use and enjoyment to the applicants and an increase in its market value). The requested use is desirable to the public convenience or welfare, will not create any traffic congestion or impair pedestrian safety or overload any public water, drainage, sewer or municipal system or subject any area of the Town to health, safety or general welfare hazards.. The proposed use will also not impair the integrity or character of the district or be detrimental to the character of the neighborhood, and will otherwise comply with the criteria set forth in By-law sec. 3.3.3. The proposed alteration, renovation and/or extension will not be substantially more detrimental to the neighborhood - in fact, it will hardly be noticeable.

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 almost entirely an interior remodel. The exterior work will involve the back of the structure. The requested setback encroachment will not impair the integrity or character of the district or adjoining districts because the use of the property as a two-family dwelling will not change. In fact, the integrity and character will be enhanced by the proposed project because of the improvements it will have on the two-family dwelling and will only serve to make the district even more desirable.

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 proposal is not adding any additional dwelling units or otherwise changing the use of the property as a two-family dwelling. The proposal is also not increasing the number of occupants expected to live in the dwelling. The exterior appearance of the property will also not be changed, except to the extent the back of the dwelling is improved via the proposal's addition of a screened porch and exterior deck.

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

1. Property Location: 56 Newcomb Street Zoning District: R2

2. Present Use/Occupancy: Residential/Two-Family 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):
4850 Sq. Ft.

4. Proposed Use/Occupancy: Residential/Two-Family 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):
4920 Sq. Ft.

	Present Conditions	Proposed Conditions	Min. or max Required by Zoning
6. Lot size (Sq. Ft.)	4761	4761	min. 6000
7. Frontage (Ft.)	65	65	min. 60
8. Floor area ratio	N.A.	N.A.	max. N.A.
9. Lot Coverage (%)	39	41.4	max 35
10. Lot Area per Dwelling Unit (Sq. Ft.)	—	—	min. —
11. Front Yard Depth (Ft.)	17	17	min. 20
12. Left Side Yard Depth (Ft.)	14.3	14.3	min. 10
13. Right Side Yard Depth (Ft.)	4.3	4.3	min. 10
14. Rear Yard Depth (Ft.)	13.5±	10.3	min. 13.6-14.6
15. Height (Stories)	2 1/2	2 1/2	max. 2 1/2
16. Height (Ft.)	33.9	33.9	max. 35
17. Landscaped Open Space (Sq. Ft.) Refer to Section 2 in the Zoning Bylaw.	1996	2001	
17A. Landscaped Open Space (% of GFA)	41.7	42.4	min.
18. Usable Open Space (Sq. Ft.) Refer to Section 2 in the Zoning Bylaw.	2905	2910	
18A. Usable Open Space (% of GFA)	61.5	61.6	min.
19. Number of Parking Spaces	4	4	min.
20. Parking area setbacks (if applicable)	—	—	min.
21. Number of Loading Spaces (if applicable)	—	—	min.
22. Type of construction	4A	4A	N/A
23. Slope of proposed roof(s) (in. per ft.)	6"	6"	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: 56 NEWCOMB ST

Zoning District: R2

<u>OPEN SPACE*</u>	EXISTING	PROPOSED
Total lot area	4761	4761
Open Space, Usable	2905	2910
Open Space, Landscaped	1996	2001

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

<u>GROSS FLOOR AREA (GFA) †</u>		
Accessory Building	N.A.	N.A.
Basement or Cellar (meeting the definition of Story, excluding mechanical use areas)	1000	1000
1 st Floor	1551	1586
2 nd Floor	1489	1524
3 rd Floor	—	—
4 th Floor	—	—
5 th Floor	—	—
Attic (greater than 7'-0" in height, excluding elevator machinery, or mechanical equipment)	505	505
Parking garages (except as used for accessory parking or off-street loading purposes)	305	305
All weather habitable porches and balconies	0	0
Total Gross Floor Area (GFA)	4850	4920

† 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.)	1996	2001
Landscaped Open Space (% of GFA)	43	44
Usable Open Space (Sq. Ft.)	2905	2910
Usable Open Space (% of GFA)	62	63.8

This worksheet applies to plans dated _____ designed by _____

Reviewed with Building Inspector: _____ Date: _____