

August 28, 2023

Dear Arlington Zoning Board of Appeals,

We and our neighbors (210, 214, 216, and 218 Pleasant Street) remain unified in our firm opposition to the proposed plans for 212 Pleasant Street. As the closest neighbors, we believe the proposal will be detrimental to each of our families' health, safety, and welfare. Moreover, the proposed structure is inharmonious and out-of-scale with the existing character and rhythm of our neighborhood, which is uniquely situated right on Spy Pond.

We have a number of substantial concerns related to the application.<sup>1</sup>

### **Lack of Plans and Information Representing Entirety of Project**

To start, the plans submitted are incomplete, inconsistent, and lack the level of detail necessary to understand and determine the full impact of the project on us and the neighborhood. We respectfully request that clear information and drawings be provided by the applicant on the following:

- Plans to construct two (2) new retaining walls in the side and rear yard
- Plans to regrade and level land in the rear yard
- Plans to increase the parking area

These plans will alter the topography and drainage at the site and impact water flow and erosion on abutting properties. Yet, we cannot find them in any of the drawings or plot plans that were submitted as part of the application. Without this information, we are unable to assess the risk of damage to abutters' foundations, structures, and land.

Moreover, this information is absolutely central to determining whether the proposed full height walk-out basement meets the definition of a story. The basement is a story if the difference between the finished ceiling height and the average finished grade is equal to or greater than 4 feet 6 inches.<sup>2</sup> In other words, this determination hinges on establishing the average finished grade of the proposed building.

Therefore, we would like to see the proposed site plan *with the grade changes* that will be made. In the submitted documentation, the contour lines and elevation figures do not change from the existing site plan to the proposed site plan.<sup>3</sup> Yet, the topographic map will change after

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<sup>1</sup> These concerns were raised earlier as a result of the ZBA hearing held on February 28, 2023, when the applicant first presented her request for a special permit to make a large addition at 212 Pleasant Street (Docket #3733). A continuance of the hearing was granted until March 28, 2023; however, the applicant withdrew her application prior to the ZBA resuming review and discussion of her proposal (Docket #3733 continuance). The applicant requests to re-apply for a special permit (Docket #3764) and states in her letter dated July 27, 2023 that "our architectural and engineering plans have not changed at all." Therefore, our questions and requests for critical information about the applicant's plans remain outstanding.

<sup>2</sup> Refer to Section 2 Definitions on pages 2-20 and 2-22 of the Arlington Zoning Bylaw.

<sup>3</sup> Refer to Existing Site Plan C1.0 and Proposed Site Plan C1.1 submitted by applicant (Docket #3764).

building two new retaining walls and leveling the yard at the rear of the house. Without plans reflecting the proposed grade changes to the land, we can only assume that the elevation points from the existing (and not proposed) topography were used to calculate the average finished grade of the proposed building. In turn, we lack accurate information to determine whether the proposed basement is a story or not.

We are frankly alarmed by the lack of transparency in the exact changes being proposed.<sup>4</sup> It seems reasonable to expect the applicant's drawings, plans, and supporting documentation to reflect the full nature of the changes to the property. The applicant has not responded to our requests for information since her initial application for a special permit but rather has submitted a new application with the same exact plans and documentation.

### **Calculation of Large Addition Allowed By Right**

In Section 2 in the Arlington Zoning Bylaw, the definition of Gross Floor Area (GFA) is:<sup>5</sup>

Gross Floor Area: The sum of the horizontal areas of **all stories of a building** or buildings on a lot, measured from the exterior faces of exterior walls, or in the case of a common wall separating two buildings, from the centerline of such common wall as regulated under Section 5.3.22.

Based on the definition, a basement is only included in the GFA if it meets the definition of a story. In fact, that is what is explicitly stated on the ZBA's application form. Line 2 under Gross Floor Area notes: "Basement or cellar (meeting definition of Story, excluding mechanical areas").

Below is the Gross Floor Area information that was submitted on the application form:<sup>6</sup>

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<sup>4</sup> The applicant's plans to construct a new retaining wall and level the yard from the rear of the proposed house to the retaining wall are not clearly described or apparent in her application or plans. These major aspects of the project were only revealed to us in the applicant's calculations of open usable space that were submitted to the ZBA on March 6, 2023 (Docket #3733 continuance). The applicant's letter to the ZBA states: "The land between Spy Pond and the proposed future retaining wall located at the 50' setback has a grade of 8.08%. The area above the retaining wall will be level, with a 0% grade."

<sup>5</sup> Refer to Section 2 Definitions on page 2-8 of the Arlington Zoning Bylaw.

<sup>6</sup> Refer to 212 Pleasant Street Special Permit Application submitted by applicant (Docket #3764).

**GROSS FLOOR AREA (GFA) †**

Accessory Building	N/A	N/A
Basement or Cellar (meeting the definition of Story, excluding mechanical use areas)	824	1118
1 <sup>st</sup> Floor	824 sq ft	1176 sq ft
2 <sup>nd</sup> Floor	N/A	999
3 <sup>rd</sup> Floor	N/A	N/A
4 <sup>th</sup> Floor	N/A	N/A
5 <sup>th</sup> Floor	N/A	N/A
Attic (greater than 7'-0" in height, excluding elevator machinery; or mechanical equipment)	0	0
Parking garages (except as used for accessory parking or off-street loading purposes)	0	0
All weather habitable porches and balconies	0	0
<b>Total Gross Floor Area (GFA)</b>	<b>1,648 sq ft</b>	<b>3,293 sq ft</b>

**NOTE: GFA of the proposed addition is 936 sq ft, which is 57% of the existing GFA.**

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

As shown, the applicant includes the existing and proposed basement floor area (824 and 1,118, respectively) as part of the total GFA. By doing so, both the existing and proposed basement must meet the definition of a story. Therefore, we reason that the existing structure is a 2-story house, and the applicant is turning it into a 3-story house, which exceeds the maximum allowed (2.5 stories) in the Bylaw.<sup>7</sup>

Alternatively, if either the existing or proposed basement do not meet the definition of a story then the square footage for either basement should not be included in the total GFA.

We do not take the applicant's revised GFA figures lightly. These figures establish the threshold for what is allowed by right thereby giving us a full understanding of the magnitude of the changes being proposed. We request the ZBA's direction on how to calculate the total GFA to determine the increase in the additional square footage outside of the existing footprint that is allowed for large additions in the Bylaw.<sup>8 9</sup>

<sup>7</sup> Refer to Section 5.4.2(A) Table of Dimensional and Density Regulations on page 5-17 of the Arlington Zoning Bylaw.

<sup>8</sup> Refer to Section 5.4.2B(6) Large Additions on pages 5-18 and 5-19 of the Arlington Zoning Bylaw.

<sup>9</sup> As part of this request, we urge the ZBA to have the applicant provide worksheets and drawings showing the dimensions of the GFA for both the existing footprint and the addition outside the existing footprint for every level of the house (the sum of which equals the total GFA for that level). Currently, the special permit application (Docket #3764) states the proposed addition has a footprint of 312 square feet on each of the three levels. Yet, subtracting the proposed from existing GFA figures provided in the table does not match this statement. For example, if you look at the proposed and existing GFA of the 1st floor, the difference is 352 square feet (1,176 sf - 824 sf = 352 sf).

## **Parking and Safety Concerns**

The proposed use for parking for two cars will be a significant detriment to the safety, health, and well being of all of the abutting residents at 214, 216, and 218 Pleasant Street. Historically, there has only been one car parked at 212 Pleasant Street. In all practicalities, only one car can park in the existing space. If two normal-sized cars are parked, there is not enough room for one car to turn around in the existing space and make a forward facing exit. Rather, a driver must reverse down the shared driveway and then use either 214's or 218's driveway to turn around. Therefore, parking two cars instead of one changes traffic patterns considerably and poses a significant safety hazard to both families at 214 and 218 Pleasant Street, and especially our young children who play and ride outside.

The applicant proposes to enlarge the parking area by 33 percent (from 480 square feet to 638 square feet); however, this alteration is only depicted in the applicant's calculations of open space but not on her site plans.<sup>10</sup> As stated upfront, we request plans that clearly and accurately show the existing and proposed parking area and reflect the measures taken to increase the area. We would like these plans to delineate the area and its dimensions that fits two cars and allows for both cars to turn around within the space and exit forward facing. Further, we invite the ZBA to make a site visit to understand how parking for two cars is not the existing use.

## **Inland Wetland District**

In addition to being part of the R1 Single Family District, the property of 212 Pleasant Street is also almost entirely within the Inland Wetland Overlay District.<sup>11</sup> As such, are any of the proposed changes at 212 Pleasant Street subject to the regulations for the Inland Wetland District? See the Wetland and Floodplain Overlay Map<sup>12</sup> and permitted uses in the Inland Wetland District as stated in the Bylaw<sup>13</sup> below:

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<sup>10</sup> Refer to Supporting Calculations and Documents and Proposed Site Plan C1.1 submitted by applicant (Docket #3764). On Proposed Site Plan C1.1, the only reference to parking is "parking existing."

<sup>11</sup> Refer to Section 5.8.2 Inland Wetland District Definition on page 5-51. The Bylaw defines the Inland Wetland District to include: "all lands within the elevations shown on the Wetland and Floodplain Overlay Map of the Zoning Map and designated as wetlands as defined by the Massachusetts Wetlands Protection Act, G.L. c.131 §40, and the implementing regulations, 310 CMR 10.00, as well as the Town of Arlington Bylaw for Wetlands Protection (Title V, Article 8), and the Wetland Protection Regulations (Regulations) promulgated thereunder. These include lakes, ponds and swamps."

<sup>12</sup> The image outlines 212 Pleasant Street (in yellow) on Arlington's Wetland and Floodplain Regulation Map. The area in green is within 100 feet of a wetland, lake, or pond and subject to wetlands permitting.

<sup>13</sup> Refer to Section 5.8.4 Inland Wetland District Permitted Uses on page 5-52 of the Arlington Zoning Bylaw.



#### 5.8.4. Permitted Uses

Municipal use, such as waterworks, pumping stations, and parks, is permitted under this section. Land in the Inland Wetland District may be used for any purpose otherwise permitted in the underlying district except that:

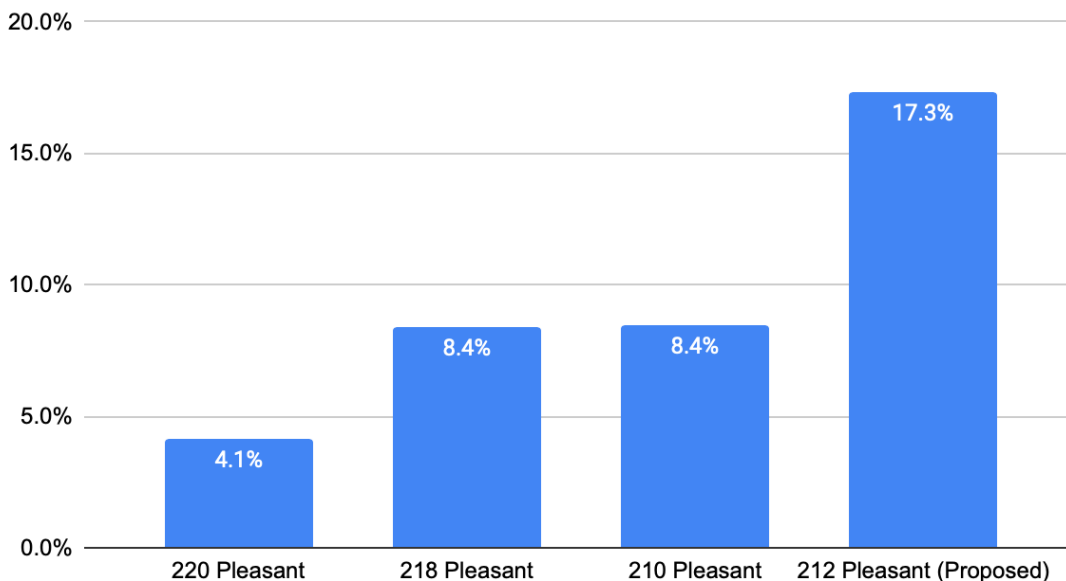
- A. No structure intended for human occupancy or use on a permanent basis having water and sewerage facilities and no other building, wall, dam or structure (except flagpoles, signs, and the like) intended for permanent use shall be erected, constructed, altered, enlarged, or otherwise created or moved for any purpose unless a Special Permit from the Board of Appeals or, in cases subject to Environmental Design Review, a Special Permit from the Arlington Redevelopment Board, is issued. However, a structure existing at the time this Bylaw becomes effective may be reconstructed or repaired after a fire or other casualty, as provided in Section 8.1.8 of this Bylaw.
- B. Dumping, filling, excavating, or transferring of any earth material within the district is prohibited unless a Special Permit from the Board of Appeals or, in cases subject to Environmental Design Review, a Special Permit from the Arlington Redevelopment Board, is issued. However, this paragraph does not prohibit ordinary gardening activities in lawn or garden areas which are used for such purposes at the time this Bylaw became effective.
- C. No ponds or pools shall be created or other changes in watercourses, for swimming, fishing, or other recreational uses, agricultural uses, scenic features, or drainage improvements or any other uses unless a Special Permit from the Board of Appeals or, in cases subject to Environmental Design Review, a Special Permit from the Arlington Redevelopment Board, is issued.

## Scale of Proposed House

The proposed house is not in keeping with the scale and massing of the neighboring houses and is inharmonious with the surrounding neighborhood. The current one-bedroom Cape-style cottage reflects the land's unique history and setting. The applicant proposes to replace it with a substantial 4-bedroom house, expanding the footprint and adding a 999-square-foot second level and full height walk-out basement. The plans are of an inappropriate scale relative to its lot size and given its very close proximity to Spy Pond and neighboring homes.

When we consider waterfront properties, the proposed building at 212 Pleasant Street has the highest lot coverage among four neighboring properties on Spy Pond (210, 212, 218, and 220 Pleasant Street).<sup>14</sup> Its footprint relative to its lot size (or lot coverage) is more than twice the coverage compared to the abutting waterfront properties (210 and 218 Pleasant).

### Ranked by Lot Coverage (Footprint/Lot Size)



## Detriment to Neighborhood and Residing Families

Our property line is only 9 feet 2 inches from the front wall of 212 Pleasant Street. Even the distance between our home and the front wall of 212 Pleasant Street (23 feet) does not meet the minimum setback regulations. If we include the deck, we are only 15 feet away. Therefore, small or large alterations to the cottage, including those described as "by right," affect us significantly.

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<sup>14</sup> Lot coverage = (total area of the building footprint on a lot / total area of the lot) x 100. Building footprints and lot sizes of 210, 218, and 220 were calculated using the Arlington Assessor's Office Property Data. Refer to Garber & How Letter to the ZBA dated March 27, 2023 for calculations (Docket #3733 continuance).

The large addition as proposed at 212 Pleasant Street will effectively block light, air, and views of Spy Pond and the natural environment from most of our home. Further, we will experience more noise and less privacy. We are at risk of losing the very reasons we purchased our home and why we want to raise our children here. We treasure our family time spent huddled together in our bedroom simply peering outside in silence and awe. Our young children marvel at the natural beauty and wildlife that exists right outside our home, finding great joy in spotting ducks, swans, and eagles from our windows, in watching the kayakers, paddle boarders, ice skaters, and fisherman, and in being able to play, garden, and explore outdoors in a bright open space. The proposal will absolutely be detrimental to our health, well-being, and quality of life in our home and neighborhood.

We remain firmly opposed to the proposal at 212 Pleasant Street for which a special permit is being requested. This position is shared by all abutting neighbors, as was the case in the applicant's initial submission last winter. Moreover, we do not believe there are adequate plans or information that represent the entirety of the alterations and additions being proposed. We strongly urge the ZBA to deny this application.

Thank you for your time and consideration.

Sincerely,

John Garber III and Sabrina How  
214 Pleasant Street  
Arlington, MA 02476