

August 28, 2023

Dear Arlington Zoning Board of Appeals Members,

We are writing again as concerned neighbors regarding the Special Permit Request for 212 Pleasant Street (“Request”), which is located next to our home (210 Pleasant Street), both of which are on Spy Pond. We urge the ZBA to reject the Request on the grounds that its proposed benefits are outweighed by the significant detriments that would be caused if the Request is granted. While the DPCD has stated that the Bylaw 3.3.3 criteria are met, its interpretation and application of criteria B, C, F and G appear to be inconsistent with Bylaw 1.2 (Purposes)¹ Moreover, DPCD provides “related dockets” that appear to be quite dissimilar in light of 212’s pond-facing location, the community’s unique history/character, and our neighbors’ unanimous opposition to this project. Moreover, the proposed plans are inconsistent with the Arlington Residential Design Guidelines and are indicative of the type of problematic build that led our town to adopt those Guidelines.¹

Initially, it is important to point out that the benefits that Applicant has identified (solar energy, pervious parking spots, and energy efficient construction), could all be achieved more appropriately with a smaller home that would not require a Special Permit. Further, while the DPCD has noted that the project would provide additional living space as the one indication of “*public convenience and welfare,*” it neglects to mention that increasing the number of residents and cars in this particular area of Pleasant Street will negatively impact Criteria B, C, F and G. The DPCD also fails to recognize that while the current cottage has been the home of school teachers, the new 4 bedroom home would more likely meet the residential needs of a higher-income family. Thus, it undermines the Bylaws’/Town development plans’ goals of encouraging housing for persons at all income levels and the Design Guidelines Summary of Findings that new homes “*were too large and thus priced significantly higher, reducing the stock of relatively affordable homes*”. (p.91).

The DPCD has not taken into account the many detriments to health, safety, and welfare to abutters and other Arlingtonians if this Special Permit were granted. Applicants’ modification of their request since withdrawing it last spring has unfortunately not addressed these concerns.

- **Scale:** the proposed size would be disproportionately large, given where the home is placed on the lot, the fact that the lot is non-conforming, and the proximity (and size) of the abutting homes. This disproportionate size would negatively impact not just the abutters but also others who use Spy Pond or walk along the Route 2/Spy Pond path, as the homes are all currently quite visible from the Pond.
- **Light/Air/Views/Privacy:** the proposed much bigger home would block light, air and views for 210, 214, 216 and 218. The raised roof will block light into the only window of 210 that faces in the direction of 212 and, depending on the placement of the new

¹ “as local residential real estate values increased, older, smaller homes have been replaced by larger houses that are out of scale with the character of the existing neighborhoods.” (p.5 of Design Guidelines); Principle B-3: discourage “over-sized additions.” (p.33)

windows of 212, may require us to cover that window entirely, as it is a dressing room/bathroom.

- **Noise:** the much bigger home, with 2 new decks and a balcony, new landscaped stairway next to the property line with 210, and an additional parking space can be expected to result in more outdoor (and indoor) noise for the abutting neighbors and negatively impact our quality of life.

Additional potential detriments, requiring further study:

- **Foundation/Structural:** the abutters have as yet received extremely limited information about Applicant's plans to regrade the property, build new retaining walls, and potentially replace the home's foundation. At a minimum, these activities, involving multiple round trips by heavy equipment, will place a substantial burden on the existing driveway. Applicant's assurance that she will "*share in the cost*" of repairing the driveway, which she acknowledges has some existing fragility, seems misplaced as damage due to construction would of course be her legal responsibility to repair. In addition to the driveway damage, it is uncertain what the impact of this significant work would be on the foundation, structure and landscaping of abutting properties, as well as the water lines under the shared driveway. The ground floor of 210, next door to 212 and in very close proximity, is partly underground and is parallel to the "basement" (also partly underground) of the proposed plans for 208 and therefore we have significant concerns about the potential impact on the 210 foundations.
- **Water run-off/erosion:** Applicants have also not provided details on how the re-grading, new retaining walls, larger home, landscaped stairs, and new parking space may impact water run-off from 212 onto the abutting properties. If water run-off would change and be re-directed to 210 or 218, such water damage could also impact the foundation, structure and landscaping on those properties, as well as 216's use of their pond access easement. The proposed plan recently submitted shows elevations that are the same as the current plan, which is inconsistent with Applicants' statements elsewhere that they are re-grading the property. Applicants have submitted no plans showing how water run off will be controlled: plans do not show gutters, side property swales or catch basins. As the property is entirely within the Inland Wetland District (unlike adjoining properties where only the backyard area is in that district), it seems particularly important that the impact on water runoff be documented. Further, updated elevation information is critical to assessing open usable space. If re-grading is done, it will impact the average finished grade of the proposed build.

Thank you for taking the time to make the site visit on 3/24/23, enabling you to observe the close proximity of 210, 212, 214, 216 and 218, the impact of the proposed build on the views from abutting properties and the unique driveway situation. The one perspective that you were unable to see during the visit is the view from Spy Pond, which is one that many Arlington residents (and others) enjoy, especially in the summer but also in the winter when the Pond usually freezes over and becomes a large, frozen town square where many people walk, skate, fish, and play hockey. For those many people who use the Pond, or who walk along the Spy Pond pathway,

the homes along the water-front are as visible as the homes on Pleasant or Jason Streets. If the Request is approved, 214 and portions of the historic 216 property would be blocked and the overall appearance of the area would be significantly altered.

To provide that perspective, I took some photos while kayaking in March, prior to the last scheduled hearing on this topic.

https://www.icloud.com/photos/#0de9Ef4qFsl_EWu9fbyiy2w_g.

As you can see, nearly all of the homes on the “Pleasant Street side” of Spy Pond are set farther apart than 210, 212, 214 and 218, making this a distinctive area of the Pond, due to its unique history as outlined in the letter submitted by the owners of 218. Along the shores of Spy Pond, homes are of different sizes and belong to several styles, but there is a proportionality between those homes. The roof lines are typically “layered” with the ones closest to the Pond being lower than or interspersed with the homes behind them, so that more homes are visible and more homes have a view of the water. It creates a harmonious aspect when viewed from the water, and something that adds to Arlington’s unique character. It also no doubt contributes to harmony within those neighborhoods, when waterfront properties do not add floors that block the views, sunlight and air for their neighbors.

Thank you for the time and consideration that you have dedicated to this issue. We view this as a very special neighborhood and are deeply concerned that this proposed build would be detrimental in the many ways that we and our neighbors have outlined. We urge you to find that the Special Permit criteria have not been met. If you are uncertain whether those criteria have been met, we would urge, in the alternative, that you continue this matter and request Applicant to furnish her most current and updated plans, with information regarding re-grading, retention walls, enlarged parking area (and how vehicles can turn without entering adjoining properties), landscaped staircase to backyard and any other hardscaping, window locations, elevations, water run-off, and the projected impact of her plans on the neighboring properties’ foundations, structures and landscaping.

Sincerely,

Tamara Joseph and Hafid El Boukfaoui

ii Section 3.3.3 (Decision Criteria):

- B. The requested use is essential or desirable to the public convenience or welfare.
- C. The requested use will not create undue traffic congestion or unduly impair pedestrian safety.
- F. The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health or welfare.
- G. 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.

Section 1.2 (Purposes): The purpose of this Bylaw is to **promote health, safety, convenience, morals and welfare** of the inhabitants of the Town of Arlington; **to lesson congestion in the streets; to conserve health;** to secure safety from fire, panic and other dangers; **to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to encourage housing for persons at all income levels; . . . to protect**

and preserve open space as a natural resource; for the conservation of natural conditions for and fauna and to serve as urban amenity for scenic and aesthetic enjoyment and recreational use; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the Town; . . . **It is made with reasonable consideration to the character of the district and to its peculiar suitability for particular uses, with a view to giving direction or effect to land development policies and proposals of the Redevelopment Board, including the making of Arlington a more viable and more pleasing place to live, work and play. [Emphasis added to highlight most relevant portions]**