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To:ZBA

Mon 2/12/2024 9:33 PM

Hello,

I am writing to express opposition to the petition for a special permit to alter the property located at 165 Franklin Street. My name is Ben Mangrum, and I live at 37 Hamlet Street, which abuts the property in question.

Please forgive the length of this email, but I believe there are several reasons that the Zoning Board of Appeals should not grant the developer's petition. I outline these reasons as follows:

1. I am aware that bylaw 5.4.2.B.6 states that no alteration above 750 square feet or 50% or more of the building's gross floor area should be permitted unless the alteration is (a) within the existing foundation, or (b) the alteration is in harmony with other structures and uses in the vicinity. The developer's plan obviously does not stay within the existing foundation. Therefore, the only allowable justification for such a large addition would be if the large addition were harmonious with other properties in the area. As a resident in an abutting property, I can attest that the proposed addition would not be harmonious with my property or my neighbors' homes. There is no home in the vicinity that resembles the proposed alteration in size (gross floor area), look, or layout across the property line.
2. The developer's petition claims "the use remains a 2 family residence" and the "character of the structure will be similar to that of detached single family structures in the vicinity." This explanation contradicts the rationale for a large addition while also being misleading in its characterization of the structures in the vicinity.
 1. If the existing structure is already divided into a two-family home, why does the neighborhood need a large addition to allow for a second family to live on the property? Two families can already live at 165-167 Franklin Street in the current size and structure of the property. The only reason for the large addition is the developer's profit, and the Town Bylaws do not allow for profit as an adequate justification for a large addition.
 2. The developer's justification is also misleading because the large addition would not be continuous with prior use. In the "Dimensional and Parking Information" of the developer's petition (p.63 of the Agenda Meeting document), the developer implies that there were 2 dwelling units and the large addition would be consistent with this prior use. However, the previous owner only had one structure divided into a two-family dwelling, so the implication that the large addition is consistent with the prior land use is misleading. This is a second structure for dwelling; no other nearby properties include a second structure of this kind. I plead with the Zoning Board to notice the developer's misleading representation of the addition.
3. Perhaps there is a technicality in which the proposed addition stays within the letter of the bylaws in terms of being a single continuous structure. I am not a lawyer, so I cannot speak to the letter of the law. However, the proposed addition obviously breaks with the *spirit* of the bylaws. Having a second dwelling structure connected by only a garage would be a total rupture from the kinds of structures in the neighborhood. I cannot believe that either the Town as a people or the Bylaws as the expression of our local government envisioned such a proposed alteration as a permissible land use, much less as a justification for a large addition.
4. The proposed addition would also be an aesthetic eye sore. It would mar the historic character of the surrounding homes.
5. I moved to 37 Hamlet Street in July 2022. I moved into my new home with the expectation that my backyard would overlook my neighbor's backyard, as was the case with the previous owner. I have attached pictures that show the current view from my backyard. The developer's plan would ruin this view by erecting a 2 or 2.5 story structure. The negative consequences of this large addition for my property include:

1. My children would be visible from the windows of this second dwelling structure as they play in my yard.
2. I would not be able to see sky and trees as I currently do.
3. Rather than seeing sky and trees, I would look from my window to see a 2 or 2.5-story dwelling that I had no reason to expect the town would allow to be built when I purchased my home a year and a half ago. Permitting this large addition would fundamentally change the way I experience my new home.
6. I also worry that the large addition would create noise, light, and other nuisances that would change the character of the neighborhood. How will the proposed large addition provide light to its driveway and front yard? The light would by necessity shine into the backyards and windows of the abutting properties, particularly those on Hamlet Street. Having a second family live in the backside of the lot at 165 Franklin St would be completely incongruous with the neighborhood and create new, unnecessary conflicts between neighbors. Again, this conflict would mar the character of the neighborhood, but it would inevitable because of the design of the proposed large addition.
7. Currently, the driveway at 165 Franklin does not extend to my back fence. Allowing the developer to extend the driveway and build a large addition would create noise, carlights, and other disturbances that would betray the land use I had good reason to expect when purchasing the home in 2022. How would the residents of the second home get to their front doors on the backside of the property? They would need to use an extended driveway that would be adjacent to my backyard. If approved, the petition would mean that my backyard would be beset by lights, noise, car traffic, and I would also suffer a substantial loss of privacy.
8. Although the lot is long and narrow, this shape does not mean that square footage of living space should run the length of that property. Property shape is not in itself a license to build. Just as a profit-motive is not listed in the Bylaws as an adequate justification for a large addition, it is also the case that “because there’s space” is not an adequate justification. Allowing the large addition would only benefit the corporate developer, who doesn’t live in the neighborhood.
9. The large addition does not address the need for more housing in Arlington. Because the current structure at 165 Franklin Street already allows for two families, extending the habitable structure (i.e. square feet of living space) by more than double would not allow for *more families* to move to Arlington. It would only allow the developer to make more profit off the sale of the property.
10. The large addition would not bring more affordable housing to Arlington. In fact, the large square footage created would be more *unaffordable* for families of modest income. Preserving the historic character of the current structure on the property is more likely to provide an affordable home for two families.
11. Finally, I would like to reject the implication in the developer’s petition that this large addition might benefit the abutting properties. How? It will not increase our property values, because the resale of our homes will be marred by the view of a 2 or 2.5 story second structure from our backyard. Again, the proposed large addition only benefits the developer, who does not have the right (according to Town Bylaws) to make such a large addition unless it is harmonious with the vicinity. And as I have shown in the points above, the large addition is not harmonious with the neighborhood.

Thank you for considering these points. Kind regards,

Ben Mangrum



