



SP-24-28

Special Use Permit
Application (ZBA)
Status: Active
Submitted On: 10/8/2024

Primary Location

232 MASS AVE
Arlington, MA 02474

Owner

CRONIN LISA/TRUSTEE;
D'AURIA REALTY TRUST
55 WINTERBERRY DRIVE
FRANKLIN, MA 02038

Applicant

Mayara Cordeiro
 508-543-0040
 cordeiro@mandkllp.com
 124 Washington Street
Suite 202
Foxborough, Massachusetts
02035

Special Permit Criteria

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. *****Please LIST BYLAW(S)*****

By the foregoing application, Ms. Yashika Patel as President and Director of Nilkant 232 Inc., with a principal place of business at 91 Sidney Street, Suite 315 Cambridge, Massachusetts 02139 (the "Applicant"), as tenant of that 2,100 (not including basement) square-foot unit store front building located at 232-234 Massachusetts Avenue, Arlington, MA 02474 (the "Units") requests a modification of the change of use at the Premises grandfathered as commercial for the operation of an off-premises, all alcoholic retail store. The Unit is located within the R6 zoning district (the "R6 District") as established by the Zoning Code of the Town of Arlington (the "Bylaw").
The Applicant proposes to operate a high-end, off-premises consumption of all alcoholic beverage retail store at the Units offering a wide variety of alcoholic beverages for off premises consumption. The Applicant has already been approved for an all-alcoholic liquor license for off-site consumption by the Arlington Board of Selectmen and the Alcoholic Beverages Control Commission (the "ABCC").
By this Application, the Applicant seeks relief from the Zoning Board of the Town (the "Board") by way of a special permit and/or other relief as the Board may deem appropriate, to allow the Applicant to operate at the Units an off-premises, all alcoholic retail store ("Proposed Used") as a continuation of the grandfathered use under Section 8.1.2(B) of the Bylaw.

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

The Proposed use is desirable at the **Units** and will be consistent with and will substantially benefit the neighborhood and the Town and their needs and interests going forward. The **Units** which the Applicant will occupy is currently vacant space offering no services to the neighbors and those who attend the building to take advantage of the other retail services offered at this location. Allowing the Applicant to operate a liquor store for the sale of all alcoholic beverages for off-premise consumption will diversify the amenities offered at the building and offer a unique and different service at the building, currently not offered to its customers. There currently is no liquor stores located in the building where the **Units** are located. The closest liquor stores are located approximately .3 miles southeast of the **Units** and 1.4 miles northwest of the **Units**. As such, the Proposed Use will provide for a new amenity for the residences of the Town.

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

The **Units'** proposed improvement will not adversely impact traffic or pedestrian safety. There are currently several retail shops, restaurants, and a public service building located within the building where the **Units** are located. Allowing the proposed use will diversify the types of services offered to those who already attend the shopping center. There is also ample off-street parking available to future patrons of the Applicant as this location is located on a major street within the Town with ample parking spaces. Furthermore, the **Unit's** proposed improvement will also not impair pedestrian safety as the location where the Premises is located has several pedestrian crosswalks and barriers in place to protect and guide motorists and pedestrians.

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 Proposed Use will not adversely affect any public water, drainage, or sewer system or any other municipal system as the Proposed Use will be located within an already established building currently offering these services. Furthermore, public drainage and utilities are clearly adequate to support the development of the Parcel, as they are sufficient for the rest of the services offered at the building.

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.*

Section 8.1.2(B) of the Bylaws authorize a change in the use provided the new use is not substantially different than the prior use and is not detrimental to the neighborhood than the existing one. The proposed use is a commercial retail use for the sale of liquor for off premise consumption and is not different than the commercial use currently allowed at the Units. Furthermore, the liquor license has been approved by the local license authority and the ABCC.

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.*

The Parcel is located within the R6 and the applicant's Proposed Use will be established in an already developed space and will fit the services the building currently offers, such as general services, retail and restaurants to those who currently attend the other amenities the building offers. Furthermore, the Parcel is surrounded by the B1 and B2 zoning districts, which do allow retail businesses. The Proposed Use will not impair the integrity or character of the district or the neighboring districts as there are several retail stores and restaurants neighboring the Premises. The proposed use will properly fit within the neighborhood, in appearance, in character and in configuration while also offering patrons of the Premises an additional service currently not offered.

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 Proposed Use is going into an already developed space and will fit the services the shopping center currently offers, such as general services, retail and restaurants to those who currently attend the other amenities the building offers. The Proposed Use is for an all-alcoholic liquor store for off-site consumption. The Proposed Use will not cause an excess of the use that could be detrimental to the character of the neighborhood because a commercial use of the building requires approval from the Town, which the applicant is seeking. Furthermore, the Applicant is requesting a modification of the current use and continuation of the grandfathered status of the Premises in order to carry out their Proposed Use. As such, there is no risk of their being several liquor stores within this District.

Dimensional and Parking Information

Present Use/Occupancy *

vacant - last use was dry cleaner (last occupied in 2021)

Proposed Use/Occupancy *

retail

Existing Number of Dwelling Units*

0

Proposed Number of Dwelling Units*

0

Existing Gross Floor Area (Sq. Ft.)*

4868

Proposed Gross Floor Area (Sq. Ft.)*

4868

Existing Lot Size (Sq. Ft.)*

5733

Proposed Lot Size (Sq. Ft.)*

5732

Minimum Lot Size required by Zoning*

20000

Existing Frontage (ft.)*

108

Proposed Frontage (ft.)*

108

Minimum Frontage required by Zoning*

100

Existing Floor Area Ratio*

0

Proposed Floor Area Ratio*

0

Max. Floor Area Ratio required by Zoning*

25

Existing Lot Coverage (%)*

0

Proposed Lot Coverage (%)*

0

Max. Lot Coverage required by Zoning*

0

Existing Lot Area per Dwelling Unit (Sq. Ft.)*

0

Proposed Lot Area per Dwelling Unit (Sq. Ft.)*

0

Minimum Lot Area per Dwelling Unit required by Zoning*

20000

Existing Front Yard Depth (ft.)*

0

Proposed Front Yard Depth (ft.)*

0

Minimum Front Yard Depth required by Zoning*

20

Existing SECOND Front Yard Depth (ft.)* ?

0

Proposed SECOND Front Yard Depth (ft.)* ?

0

Minimum SECOND Front Yard Depth required by Zoning* ?

0

Existing Left Side Yard Depth (ft.)* ?

0

Proposed Left Side Yard Depth (ft.)* ?

0

Minimum Left Side Yard Depth required by Zoning* ?

9

Existing Right Side Yard Depth (ft.)* ?

0

Proposed Right Side Yard Depth (ft.)* ?

0

Minimum Right Side Yard Depth required by Zoning* ?

10

Existing Rear Yard Depth (ft.)*

0

Proposed Rear Yard Depth (ft.)*	Minimum Rear Yard Depth required by Zoning*
0	20
Existing Height (stories)	Proposed Height (stories)*
0	0
Maximum Height (stories) required by Zoning*	Existing Height (ft.)*
3	0
Proposed Height (ft.)*	Maximum Height (ft.) required by Zoning*
0	34

For additional information on the Open Space requirements, please refer to Section 2 of the Zoning Bylaw.

Existing Landscaped Open Space (Sq. Ft.)*	Proposed Landscaped Open Space (Sq. Ft.)*
0	0
Existing Landscaped Open Space (% of GFA)*	Proposed Landscaped Open Space (% of GFA)*
0	0
Minimum Landscaped Open Space (% of GFA) required by Zoning*	Existing Usable Open Space (Sq. Ft.)*
10	0
Proposed Usable Open Space (Sq. Ft.)*	Existing Usable Open Space (% of GFA)*
0	0

Proposed Usable Open Space (% of GFA)*

0

Minimum Usable Open Space required by Zoning*

24

Existing Number of Parking Spaces*

0

Proposed Number of Parking Spaces*

0

Minimum Number of Parking Spaces required by Zoning*

15

Existing Parking area setbacks

0

Proposed Parking area setbacks *

0

Minimum Parking Area Setbacks required by Zoning*

0

Existing Number of Loading Spaces

0

Proposed Number of Loading Spaces*

0

Minimum Number of Loading Spaces required by Zoning*

0

Existing Slope of proposed roof(s) (in. per ft.)*

0

Proposed Slope of proposed roof(s) (in. per ft.)*

0

Minimum Slope of Proposed Roof(s) required by Zoning*

0

Existing type of construction*

brick

Proposed type of construction*

brick

Open Space Information

Existing Total Lot Area*

9768

Proposed Total Lot Area*

9768

Existing Open Space, Usable*

0

Proposed Open Space, Usable*

0

Existing Open Space, Landscaped*

0

Proposed Open Space, Landscaped*

0

Gross Floor Area Information

Accessory Building, Existing Gross Floor Area

0

Accessory Building, Proposed Gross Floor Area

0

Basement or Cellar, Existing Gross Floor Area ?

0

Basement or Cellar, Proposed Gross Floor Area

2100

1st Floor, Existing Gross Floor Area

2100

1st Floor, Proposed Gross Floor Area

2100

2nd Floor, Existing Gross Floor Area

0

2nd Floor, Proposed Gross Floor Area

0

3rd Floor, Existing Gross Floor Area

0

3rd Floor, Proposed Gross Floor Area

0

4th Floor, Existing Gross Floor Area

0

4th Floor, Proposed Gross Floor Area

0

5th Floor, Existing Gross Floor Area

0

5th Floor, Proposed Gross Floor Area

0

Attic, Existing Gross Floor Area 

0

Attic, Proposed Gross Floor Area

0

Parking Garages, Existing Gross Floor Area 

0

Parking Garages, Proposed Gross Floor Area

0

All weather habitable porches and balconies,
Existing Gross Floor Area

0

All weather habitable porches and balconies,
Proposed Gross Floor Area

0

Total Existing Gross Floor Area

2100



Total Proposed Gross Floor Area

4200



APPLICANT DECLARATION (Arlington Residential Design Guidelines)

By entering my name below, I hereby attest that I have reviewed the following:


- Arlington Residential Design Guidelines

and under the pains and penalties of perjury that all of the information contained in this application is true and accurate to the best of my knowledge and understanding.

I do hereby certify under the pains and penalties of perjury that the information provided above is true and correct, and that clicking this checkbox and typing my name in the field below will act as my signature.*



Applicant's Signature*

 Yashika Patel
Oct 8, 2024