COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

ZONING BOARD OF APPEALS

ARLINGTON, MASSACHUSETTS

In the Matter of Michael and Madeline Maranian Petitioners	Docket #2055

REQUEST FOR PERMIT

Hearing : July 10, 1973
Decision: September 25, 1973

OPINION OF THE BOARD

Members Present:

John R. Kenny, Acting Chairman
Francis DeRoche, Acting Secretary
F. Leo Fitzpatrick

OPINION OF THE BOARD

This is a proceeding of the Zoning Board of Appeals of the Town of Arlington, Massachusetts, acting under the Zoning By-Law of the Town of Arlington, and General Laws, Chapter 40A, as amended, in which Michael and Madeline Maranian seek permission to establish a parking space in the front yard of the property located at 15 West Street, Arlington.

Following the giving of notice as required by law, a hearing was held by the Zoning Board of Appeals (hereinafter called, ("Board") at the hearing room, Robbins Town Hall on July 10, 1973.

Mr. Maranian appeared in support of his petition.

Briefly, he stated that use of the existing garage under the house was unsatisfactory for a number of reasons, including difficult eggress during winter months, noxious fumes, closeness of driveway retaining walls, and seepage of water due to drainage into the garage from the driveway. He further stated that establishment of a parking space on either side of the dwelling would create, together with existing use of side yards by neighbors, a cramped situation, and would require removal of trees and shrubs, and that parking to the rear of the dwelling would be extremely difficult due to the grade of the lot.

The Board is cognizant of the problems faced by the petitioner, however we are perplexed as to precisely what circumstances have brought the petition before us.

It is apparent that the petitioner has, in accordance with a properly issued building permit, enclosed the present under-the-house garage with a concrete block wall, and has remodeled it into an additional room. According to a condition upon issuance of the permit, the petitioner agreed to relocate the parking space that was being eliminated under the dwelling to one side of the dwelling, in accordance with Section 13-C of the By-Law.

It now appears, for the reasons stated at the hearing and in the petitioners' application, that this is not desirable.

The Board is further perplexed by an obvious difference of opinion on the part of the Town Engineer as stated in his letter of July 3, 1973 with reference to this petition, and on the part of the Department of Planning and Community Development in its report dated July 10, 1973, relative to the same subject matter. We refer specifically to the maximum width for a parking area which would contain two automobiles, and note that the Town Engineer has a suggested minimum of 22 feet, while the Department of Planning and Community Development believes that seventeen feet is sufficient.

We presume that each has arrived at a conclusion that is based upon some research, but find it difficult to understand why the difference in these respective conclusions equals five full feet in width.

Therefore, the Board will, in general sense, reach into its experience

and that of developers of properties requiring customer parking spaces, and come to a separate conclusion that such spaces under normal circumstances should be ten feet in width per space.

However, we further find the circumstances here to be not quite normal, since, by visual estimate it appears that a space twenty feet in width would cause the removal of a well established tree from the subject property.

The Board is not pleased by the sequence of events presented in this petition. We find we are faced with determining the advisability of granting permission to black top nearly 50% of a front yard of a single family residence, primarily because the petitioner has come to the conclusion, after the fact, that he does not wish to act in accordance with the agreement that was understood at the time the building permit was issued.

At the same time, we recognize the inadvisability of creating cramped and impassable areas in side yards of lots which are extremely small, and the undesirability of perpetuating on-street parking wherever such can be eliminated.

Therefore it is the decision of the Board that the following permission be granted:

1. The established parking space for the single family residence at 15 West Street shall, insofar as the Board has the authority in such parking space, in the location of the presently existing driveway.

2. The petitioner may enlarge the area for parking by installing an appropriate surface therefore to a point no closer than three feet to the southerly property line, provided that no excavation or paving may be located any closer than two feet from the base of the trunk of the tree located in the south-easterly corner of the property.

The permission granted herein is subject to the area to be so used for parking shall be graded in a manner to provide for drainage in an easterly direction, but, more specifically in a manner satisfactory to the Town Engineer, and the area remaining between the proposed paved area and the Southerly property line also be graded in a manner satisfactory to the Town Engineer, and in the event that, in the opinion of the Town Engineer, a retaining wall is necessary as a result of excavating or filling, such retaining wall will be installed.

The Inspector of Buildings is authorized to issue the necessary permits in accordance with this decision and other pertinent laws, regulations and rulings.

The Board hereby makes a detailed record of all its proceedings relative to this petition; sets forth its reasons for its decision and its findings; directs that the record be filed in the office of the Town Clerk and shall be a public record; and that notice of this decision be made forthwith to each party in interest.

ATTEST: John R K

Acting Chairman