**SP-24-26**

Special Use Permit Application (ZBA)

Status: Active

Submitted On: 9/12/2024

### Primary Location

20 POND LN Unit 2
Arlington, MA 02474

### Owner

POND LANE REALTY LLC
C/O NICHOLAS BOIT; 32 HARBOUR DR N OCEAN RIDGE, FL 33435

### Applicant

Douglas Troyer
617-466-8236
dtroyer@pierceatwood.com
100 Summer Street
22nd Floor
Boston, MA 02110

## 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)****

Section 8.1.1(A) of the Zoning Bylaw.

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

Since its construction in 1963 the commercial use of the garage on the Property has been for the storage of commercial vehicles and equipment along with office use, auto body work and auto repair work. The Applicant's request to continue the use of the garage for the storage of commercial vehicles and equipment, office use, and light construction work is consistent with the historical use of the garage and is in fact less intrusive than when the garage was used as an auto body shop and auto repair shop. The use is consistent with other uses in the neighborhood as the abutting Town property is being used for the storage of recreational equipment for the Arlington/Belmont Crew organization who stores their vehicles, trailers, crew boats, and other equipment on the Town property.

As the Property is fully developed - there are no changes proposed to the garage structure, driveway, drainage, utilities or other infrastructure servicing the Property - and the requested use is consistent with what has historically been used at the Property, the requested commercial use of the garage will continue to fit seamlessly with the community and neighborhood.

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

The Applicant states that the proposed project will not involve any changes to the driveway or parking area on the Property. Additionally, there are no proposed changes to the traffic flow, access, parking and pedestrian circulation that has been in existence at the Property for over 61 years. The Applicant anticipates that in additional to 2 vehicles parking in the driveway for the residential use for the Property, that approximately 2 commercial vehicles for employees will use the driveway area for parking and that the remaining vehicles will be parked inside of the garage which has ample storage area.

Therefore, because there no changes proposed to the structure or facilities on the Property and due to the fact that the requested use is consistent with the historical uses of the garage, it is the Applicant's position that its requested use of the garage will not create any undue traffic congestion, or unduly impair pedestrian safety.

**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.***

As provided above, the garage was fully developed in 1963 and there are no changes being proposed to the drainage, utilities and other infrastructure servicing the Property as they are all more than adequate to accommodate the continue commercial use of the garage. Additionally, no hazardous materials will be stored on Property.

**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.***

As provided above, the garage structure and commercial use of the garage was permitted by the ZBA in 1963. The commercial use of the garage is proposed to be that of storage of commercial vehicles and equipment, office use, and proposed light construction work to be performed inside of the garage. Pursuant to Section 8.1.1(A) of the Bylaw, the ZBA may granted the requested use if it finds that the use shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. As provide above, it is the Applicant's position that the ZBA has the necessary facts to make such a finding under the Bylaw.

**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 Applicant directs the ZBA's attention to its statements provided for in Paragraph 1-4 above. Additionally, the Applicant states that the requested use is consistent with the historical commercial use made at the Property since 1963 and permission to continue such use will not impact the integrity or character of the R-2 district or adjoining districts nor be a detriment to the health or welfare of the community.

**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.***

It is the Applicant's position that due to the fact that the requested use is consistent with the historical use of the garage and that the continuance of such commercial use of the garage for the storage of commercial vehicles and equipment, office use, and light construction work to be performed inside of the garage will not be detrimental to the character of the neighborhood.

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## Dimensional and Parking Information

**Present Use/Occupancy ***

Commerical Garage

**Proposed Use/Occupancy ***

Commercial Garage

**Existing Number of Dwelling Units***

0

**Proposed Number of Dwelling Units***

0

**Existing Gross Floor Area (Sq. Ft.)***

3375

**Proposed Gross Floor Area (Sq. Ft.)***

3375

**Existing Lot Size (Sq. Ft.)***

9200

**Proposed Lot Size (Sq. Ft.)***

9200

Minimum Lot Size required by Zoning*

6000

Existing Frontage (ft.)*

87.49

Proposed Frontage (ft.)*

87.49

Minimum Frontage required by Zoning*

60

Existing Floor Area Ratio*

0

Proposed Floor Area Ratio*

0

Max. Floor Area Ratio required by Zoning*

0

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*

0

Existing Front Yard Depth (ft.)*

0

Proposed Front Yard Depth (ft.)*

0

Minimum Front Yard Depth required by Zoning*

0

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*

0

Existing Right Side Yard Depth (ft.)*

0

Proposed Right Side Yard Depth (ft.)*

0

Minimum Right Side Yard Depth required by Zoning*

0

Existing Rear Yard Depth (ft.)*

0

Proposed Rear Yard Depth (ft.)*

0

Minimum Rear Yard Depth required by Zoning*

0

Existing Height (stories)

1

Proposed Height (stories)*

1

Maximum Height (stories) required by Zoning*

3

Existing Height (ft.)*

14

Proposed Height (ft.)*

14

Maximum Height (ft.) required by Zoning*

29

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

Existing Landscaped Open Space (Sq. Ft.)*

0

Proposed Landscaped Open Space (Sq. Ft.)*

0

Existing Landscaped Open Space (% of GFA)*

0

Proposed Landscaped Open Space (% of GFA)*

0

Minimum Landscaped Open Space (% of GFA) required by Zoning*

0

Existing Usable Open Space (Sq. Ft.)*

0

Proposed Usable Open Space (Sq. Ft.)*

0

Existing Usable Open Space (% of GFA)*

0

Proposed Usable Open Space (% of GFA)*

0

Minimum Usable Open Space required by Zoning*

0

Existing Number of Parking Spaces*

0

Proposed Number of Parking Spaces*

0

Minimum Number of Parking Spaces required by Zoning*

0

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*

0

Proposed type of construction*

0

## Open Space Information

Existing Total Lot Area*

9200

Proposed Total Lot Area*

9200

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

0

1st Floor, Existing Gross Floor Area

0

1st Floor, Proposed Gross Floor Area

0

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

0

Total Proposed Gross Floor Area

0

## 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***

Nick Boit
Sep 4, 2024

## Attachments

**3822 20 Pond Lane Abutter List.pdf**
3822 20 Pond Lane Abutter List.pdf
Uploaded by Colleen Ralston on Oct 1, 2024 at 9:19 AM

**3822 20 Pond Lane Abutters map.pdf**
3822 20 Pond Lane Abutters map.pdf
Uploaded by Colleen Ralston on Oct 1, 2024 at 9:19 AM

**3821 20 Pond Lane legal ad.pdf**
3821 20 Pond Lane legal ad.pdf
Uploaded by Colleen Ralston on Oct 1, 2024 at 9:21 AM

**Neighbor Photos 20 Pond Lane - Creedon.pdf**
Neighbor Photos 20 Pond Lane - Creedon.pdf
Uploaded by Colleen Ralston on Oct 21, 2024 at 8:29 AM

**Neighbor letter -20 Pond Lane - Creedon.pdf**
Neighbor letter -20 Pond Lane - Creedon.pdf
Uploaded by Colleen Ralston on Oct 21, 2024 at 8:29 AM

**Neighbor letter -20 Pond Lane - Simader.pdf**
Neighbor letter -20 Pond Lane - Simader.pdf
Uploaded by Colleen Ralston on Oct 21, 2024 at 8:32 AM

**Lt to ZBA 11.7.24(17595170.1).pdf**
Lt to ZBA 11.7.24(17595170.1).pdf
Uploaded by Douglas Troyer on Nov 7, 2024 at 11:53 AM

**Lt to ZBA 12.2.24.pdf**
Lt to ZBA 12.2.24.pdf
Uploaded by Douglas Troyer on Dec 2, 2024 at 3:45 PM

**Lt to ZBA 1.7.25.pdf**
Lt to ZBA 1.7.25.pdf
Uploaded by Douglas Troyer on Jan 7, 2025 at 2:57 PM

**2.4.25 Lt to ZBA.pdf**
2.4.25 Lt to ZBA.pdf
Uploaded by Douglas Troyer on Feb 4, 2025 at 1:46 PM

**Waiver of Time Constraints Lt to ZBA 2.10.25(17843495.1).pdf**
Waiver of Time Constraints Lt to ZBA 2.10.25(17843495.1).pdf
Uploaded by Douglas Troyer on Feb 10, 2025 at 4:40 PM

**Waiver of Time Constraints Lt to ZBA 2-10-25(17843495.1).pdf**
Waiver of Time Constraints Lt to ZBA 2-10-25(17843495.1).pdf
Uploaded by Colleen Ralston on Feb 12, 2025 at 3:04 PM

**Final Supplemental Filing 3.4.25.pdf**
Final Supplemental Filing 3.4.25.pdf
Uploaded by Douglas Troyer on Mar 4, 2025 at 3:23 PM

**Supporting Documentation [worksheet and drawings]** REQUIRED
Final Memo in Support of Application 9.12.24.pdf
Uploaded by Douglas Troyer on Sep 12, 2024 at 1:52 PM