



**TOWN OF BELMONT
OFFICE OF COMMUNITY DEVELOPMENT**

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SPECIAL PERMIT

Addition to a Nonconforming Structure in the General Residence Zoning Districts

(January 16, 2020)

An addition to a nonconforming structure in the General Residence Zoning District requires a Special Permit from the Planning Board. This process includes a formal public hearing and can take up to six (6) months to complete. The following is an outline of this process based on the Town's Zoning By-Law and Massachusetts General Law, Chapter 40A.

1. Submit your building plans to the Office of Community Development Building Division in order to receive a **Building Permit Denial Letter**.

The Building Permit Denial Letter initiates this process and reviews your project to see whether or not it conforms to the dimensional regulations contained within Section 4.2 of the Zoning By-Law. If your project creates dimensional violations, additional Special Permits and/or Variances may be required. Office of Community Development (CD) Staff will help you understand what Special Permits and/or Variances are required for your project.

2. **Make an appointment with CD Staff** to review this process and your building plans. This may include discussing other construction options to achieve your goals.
3. **Meet with abutters to discuss your project.** The Town's Zoning By-Law requires consultation with those that will be substantially impacted by your proposed project.

CD Staff will provide you with the map and the names and addresses of the property owners within 300' of your property. Reaching out to your abutters often enables issues and concerns about your project to be discussed and resolved prior to the public hearing, and results in a more orderly hearing.

4. **File ten (10) copies of your application and other required documents** with the Office of Community Development. See attached application submission requirements for further information about what information that you must include with your application.

In order to meet the public hearing notice requirements, all application materials must be submitted approximately 4 weeks in advance of the public hearing. Public hearings are scheduled on a first come first serve basis and will be scheduled once the application is deemed complete.

The Planning Board meets on the first and third Tuesday of each month. The deadlines for submitting applications for the Planning Board meetings will be provided to you during your meeting with CD Staff.

5. The Office of Community Development will **distribute the complete application to other Town departments** and/or committees as appropriate, including, but not limited to, the Health, Fire and Police Departments, Department of Public Works, and the Conservation and Historic District Commissions.
6. **Notice of the public hearing** will be mailed by the Office of Community Development to abutters within 300' of your property.

This notice indicates when and where the public hearing will occur, describes the zoning relief that you requested, and provides a brief description of your project.

7. **You are required to attend the public hearing** and to give a brief presentation on your project, reviewing what you submitted in the application.

During the public hearing, the Planning Board will take input on your project from the audience, both in opposition and in support. The public hearing may be continued depending on whether you can answer all of the questions posed to you during the public hearing.

8. **The Planning Board has up to ninety (90) days** from the close of your public hearing to render and to file a written decision with the Town Clerk.

The decision may be made either at the end of the night after all the public hearings have been heard or at the Board's next regularly scheduled meeting. This depends on several factors: the complexity of your application, whether or not your project is controversial, and how late it is when the Planning Board begins its deliberations.

9. **A 20 day appeal period** follows the filing of the decision, whether or not your application is granted or denied.

The Special Permit decision is held until the appeal period has expired. An appeal of the Planning Board decision to a court of law can be filed by any aggrieved person, including you.

If a decision has been appealed then the Special Permit is held pending the resolution of the appeal.

10. After the appeal period has expired, **the approved Special Permit must be certified with the Town Clerk and filed at the Registry of Deeds.**

The Registry will give you a copy of the decision stamped with the book and page number on it and a receipt, both of which must be filed with the Planning Board.

Please note:

- a. A Building Permit will not be reviewed or issued until the decision is filed at the Registry of Deeds and proof of its filing is submitted to the Planning Board.
- b. The granted Special Permit is not the Building Permit – a new Building Permit application will need to be filed after the decision is recorded at the Registry.

A Special Permit is good for two years. If this permit expires and you wish to proceed with your construction, a new Special Permit will have to be issued requiring a new public hearing process.

If you have any questions about this process, please do not hesitate to contact the Planning Division at 617-993-2666.

APPLICATION SUBMISSION REQUIREMENTS

In order for your application to be considered complete, you must submit **TEN (10) COPIES AND AN ELECTRONIC COPY¹** of the following information. A public hearing will be scheduled once your application has been deemed complete.

1. The **Building Permit Denial Letter**;
2. The appropriate **Application** (attached);
3. A **narrative statement** describing your proposal and its potential impacts on its abutters and the neighborhood. Please address how the addition onto your home will not be substantially more detrimental than the existing nonconforming structure to the neighborhood and that it will be in keeping with the character of the neighborhood in which it is located;
4. **Elevations and interior layout plans** at a scale of 1/8" = 1' or other appropriate scale. All spaces and dimensions must be clearly labeled on the plans;
5. A **Certified Plot Plan** less than six (6) months old;
6. **Zoning Compliance Check List** (attached) completed and stamped by the surveyor who drafted the plot plan;
7. A **total fee of \$325.00** submitted as two checks (only one fee per project):
 - a. **\$150** to the "Town of Belmont" to cover administrative expenses; and,
 - b. **\$175** to the "Town of Belmont" to pay for the legal advertisements.

Please note: an additional \$50 is required if your property is located within 300' of a surrounding town (Arlington, Cambridge, Lexington, Waltham or Watertown).

Additional materials, such as:

1. **Neighborhood letters or a petition** of those who do not object to the proposed project; and,
2. **Anything else** that you feel is relevant to your application, i.e., pictures, etc.

may be submitted up until your public hearing, though you are strongly encouraged to submit these materials with your application.

¹ **Please note electronic copies cannot be submitted via USB.**