



**TOWN OF BELMONT  
OFFICE OF COMMUNITY DEVELOPMENT**

Homer Municipal Building  
19 Moore Street  
Belmont, Massachusetts 02478

Telephone: (617) 993-2666      Fax: (617) 993-2651

**SPECIAL PERMIT - Single Residence B Zoning District**

**Increase in Height or Large Addition to a Nonconforming Structure, or a  
New Home on a Nonconforming Lot**  
(January 16, 2020)

For nonconforming structures in the Single Residence B Zoning District (SRB), the following require a Special Permit from the Planning Board:

- Increases in the height in feet to the ridge or the number of stories; or,
- Increases in the gross floor area by more than the lesser of 30% or 700 square feet.

A Special Permit from the Planning Board is also required for new home construction on nonconforming lots in the SRB.

The Special Permit 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. A Building Inspector 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 (OCD) Staff will help you understand what Special Permits and/or Variances are required for your project.

2. **Make an appointment with OCD 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.

OCD 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 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 OCD. See attached application submission requirements for regarding additional 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 served 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 OCD Staff.

5. OCD 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 OCD 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**

A public hearing will be scheduled once your application has been deemed complete. In order for your application to be considered complete, you must submit **TEN (10) COPIES AND AN ELECTRONIC COPY<sup>1</sup>** of the following information.

1. The **Building Permit Denial Letter**.
2. The Special Permit **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. Please also refer to the findings and criteria within Section 1.5.4 (B) 4 of the Zoning By-Law (attached).
4. **Elevations and interior layout plans** at a scale of 1/8" = 1' or other appropriate scale. Existing and proposed elevations and layout plans must have all spaces and dimensions clearly labeled on the plans; this includes the basement/cellar and attic plans whether or not they will include habitable space.

The plans must clearly indicate the exterior architectural details; including type of material and size (refer to draft Residential Design Guidelines for further information).

5. **Landscape Plan** clearly identifying existing and proposed plant species, sizes and quantities (refer to draft Residential Design Guidelines for further information).
6. A **Certified Plot Plan** less than six (6) months old. Make sure that the plot plan is identical to the elevations and vice versa.

The HVAC units (or other outdoor mechanical equipment) must be clearly labeled on the plan.

7. **Zoning Compliance Check List** (attached) completed and stamped by the surveyor who drafted the plot plan.
8. 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,

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<sup>1</sup> Please note electronic copies cannot be submitted via USB.

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, including:

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.

The **Special Permit Findings and Criteria** listed below should be considered when drafting your narrative statement.

**Special Permit Findings (Section 1.5.4. B. (4))**

The Planning Board may grant a Special Permit if it finds that the enlarged building:

- a) Is generally in harmony with the neighborhood;
- b) Will neither generate excessive traffic, parking, noise or density impacts on the abutters, nor create other detrimental effects on the neighborhood;
- c) Is appropriate in scale and mass for the neighborhood, and addresses topographic conditions to avoid the disproportionate distribution of bulk and mass, with particular consideration for the minimization of impacts upon abutting properties;
- d) Will not increase the existing nonconforming lot coverage, if it exists; and,
- e) Will not be substantially more detrimental than the existing nonconforming building to the neighborhood.

**Special Permit Criteria (Section 1.5.4. B. (5))**

In making any Special Permit decision, the Planning Board shall consider the following:

- a) Scale and design of the structure;
- b) The siting of the structure and driveway;
- c) Topographic conditions faced by Applicants, and the degree to which Applicants mitigate potential detrimental impacts upon abutters;
- d) Walkway, driveway and parking circulation;
- e) Exterior lighting;
- f) Open space and screening; and,
- g) Drainage.



Town of Belmont  
Planning Board

## APPLICATION FOR A SPECIAL PERMIT

Date: \_\_\_\_\_

Planning Board  
Homer Municipal Building  
19 Moore Street  
Belmont, MA 02478

To Whom It May Concern:

Pursuant to the provisions of Massachusetts General Laws, Chapter 40A, Section 9, as amended, and the Zoning By-Law of the Town of Belmont, I/we the undersigned, being the owner(s) of a certain parcel of land (with the buildings thereon) situated on \_\_\_\_\_ Street/Road, hereby apply to your Board for a **SPECIAL PERMIT** for the erection or alteration on said premises or the use thereof under the applicable Section of the Zoning By-Law of said Town for \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

on the ground that the same will be in harmony with the general purpose and intent of said Zoning By-Law.

Signature of Petitioner \_\_\_\_\_

Print Name \_\_\_\_\_

Address \_\_\_\_\_

Daytime Telephone Number \_\_\_\_\_

## Zoning Compliance Check List

### Properties Located within the SR-B Districts (To be Completed by a Registered Land Surveyor)

Property Address: \_\_\_\_\_

Surveyor Signature and Stamp: \_\_\_\_\_ Date: \_\_\_\_\_

<u>Per §4.2 of the Zoning By-Law</u>							
		REQUIRED		EXISTING		PROPOSED	
Lot Area (sq. ft.)		<b>12,000</b>					
Lot Frontage (feet)		<b>90</b>					
Lot Coverage (% of lot)		<b>25%</b>					
Open Space (% of lot)		<b>50%</b>					
Setbacks: (feet)	➤ Front <sup>(a)</sup>						
	➤ Side/Side	<b>10</b>	<b>10</b>				
	➤ Rear						
Building Height:	➤ Midpoint (feet)	<b>30</b>					
	➤ Ridge (feet)	<b>34</b>					
	➤ Stories	<b>2-1/2</b>					
1/2 Story (feet) (Per §1.4)	➤ Perimeter (50%)						
	➤ Area (60%)						
	➤ Length (75%)						
HVAC <sup>(b)</sup>	Prohibited in Front Yard and Side and Rear Setbacks and shall be screened						

- (a) Front setback is equal to the average front setbacks of the abutting properties on either side.
- (b) Includes all outdoor mechanical equipment and fuel storage systems.

**SUBMIT CALCULATIONS** for all of the requirements listed above on a separate piece of paper(s) to verify how they were calculated.