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**TOWN OF BELMONT  
ZONING BOARD OF APPEALS**

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BELMONT, MA

2017 JUL 24 AM 9:11

**CASE NO.** 17-15

**APPLICANTS:** Peter Frumhoff and Eleanor Ahlborn

**PROPERTY:** 65-67 Pine St

**DATE OF PUBLIC HEARING:** Monday, June 19, 2017 at 7PM

**MEMBERS SITTING:** Nicholas A. Iannuzzi, Jr.  
James Zarkadas  
Andrew Plunkett (Associate Member)  
Phil Ruggerio (Associate Member)

**MEMBERS VOTING:** Nicholas A. Iannuzzi, Jr.  
James Zarkadas  
Andrew Plunkett (Associate Member)  
Phil Ruggerio (Associate Member)



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Bk: 69650 Pg: 379 Doc: DECIS  
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Introduction

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This matter came before the Board of Appeals ("Board") of the Town of Belmont ("Town") acting as Special Permit and Variance Granting Authority under the Zoning By-Law of the Town of Belmont, Massachusetts ("By-Law") and Chapter 40A of the Massachusetts General Law ("Zoning Act"). This matter involves the application of Tom Frumhoff and Eleanor Ahlborn ("Applicants") who seek three (3) Special Permits to allow for an addition as follows:

1. To construct a 3 story addition to an existing 3 story building. Maximum allowed is 2-1/2 stories;
2. To extend the lot coverage from 28.5% to 29.2% where the maximum lot coverage allowed is 25%;
3. To reduce the front setback from 18.4' to 11.9', minimum required front setback is 25.0'

At 65-67 Pine Street, located in a Single Residence C Zoning District.

After all legal requirements of notices and publications were satisfied, a public hearing was held by the Board on June 19, 2017, and testimony was given by the Applicants and several supportive neighbors in connection with the Applicants' Special Permits request.

The Applicants submitted plans with respect to the proposed 3-story addition to the residence at 65-67 Pine Street, with plans dated May, 2017, said plans identified as Elevations, Lot Coverage and Setback Requirements, Existing and Proposed First Floor Plans, Existing and Proposed Second Floor Plans, Existing and Proposed Third Floor Plans, Existing and Proposed half-story Area Calculations, and Existing and Proposed half-story Perimeter Calculations.

Applicants also submitted a Zoning Compliance Check List, which was completed by Registered Land Surveyor Edward J. Farrell on May 10, 2017.

Several residents spoke in support of the Application for the three special permits. Applicants submitted a petition in support of the application which was signed by eleven neighbors, all of whom declared that the proposed addition "besides being necessary for disabled access, will improve the appearance of the building and the neighborhood."

No one spoke in opposition of the Application.

ORIGINAL COPY WITH APPLICANTS NAME CORRECTED

7/24/17

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### **Applicants' Proposal**

At the Zoning Board Hearing on June 19, 2017, the Applicants explained the design and need for the three-story addition to provide wheelchair access to the second and third floor of their condominium, which would include a bathroom that complies with the rules and regulations of the Architectural Access Board (AAB).

The Applicants explained they have striven to make the addition as small as they can while adhering to the guidelines for wheelchair mobility and accessibility. The Applicants seek to have the exterior of the home appear as normalized as possible to reduce the visual impact on their neighbors.

The Applicants' residence currently consists of the second and third floor of the condominium, with the only ground level access being steep flights of stairs. Their newly-disabled son Eli Workman, who is 19 years of age, suffered a catastrophic injury in January, 2017, rendering him paralyzed from the upper chest down. He now requires a wheelchair at all times for movement, whether inside or outside of their home. Eli is currently living in AAB-compliant housing in Arlington at a cost of \$3,000/month. Applicants anticipate that Eli will require care at their home when he gets sick, even from the common cold, given his acute spinal cord and lung injuries, which render him particularly vulnerable to illness.

Eli graduated from Belmont High School in 2015 and matriculated at Carnegie Mellon University. He sustained this paralyzing injury as a member of the ski team this past winter. Eli's younger brother Dylan just finished his freshman year at Belmont High School. According to the information Applicants gave to the Board at the Hearing, they need to stay in Belmont due to Dylan's education, but purchasing a home in Belmont with first-floor egress that would be ideal for Eli is cost-prohibitive.

The reasons presented to the Board at the Hearing for the Special Permit relate to the need of the Applicants to accommodate Eli's special daily living requirements, in light of his continuing disability.

The request for increased lot coverage is unique to the Applicants' plans because of the special needs of their son Eli. The plans show an enclosed structure which opens on the second and third floors that contains a small elevator and an accessible AAB bathroom with a wheel-in shower on the third floor. This addition will be connected to an accessible walkway from the sidewalk.

The Applicants indicated they had exhaustively explored other potential options including: stair climbers but the pitch of the staircase made it unsafe to transfer Eli from his wheelchair; and a lift which would only be able to rise to the second story, where there is not a large enough bedroom for the queen bed which he requires, or an accessible bathroom.

The Applicants indicated at the Hearing that there would be no ramp to the sidewalk but rather they would regrade the lawn and create a pathway at sidewalk level. Thus, the purpose of the addition would not be apparent from the front.

The Applicants submitted a list of multiple names and addresses of neighbors and abutters who indicated their support with respect to their plans, including their neighbor who owns the first floor condominium directly below theirs, who supports the proposed changes.

### **Conclusion**

On June 19, 2017, the Board deliberated on the Applicants' request for three (3) Special Permits : To construct a 3 story addition to an existing 3 story building. Maximum allowed is 2-1/2 stories. To extend the lot coverage from 28.5% to 29.2% where the maximum lot coverage allowed is 25% and to reduce the front setback from 18.4' to 11.9', minimum required front setback is 25.0' at 65-67 Pine Street, located in a Single Residence C Zoning District.

Case No. 17-15  
Address: 65-67 Pine Street

The Board found that Applicants' proposal would not be substantially more detrimental to the neighborhood and that it would be in keeping with the character of the neighborhood.<sup>1</sup>

Accordingly, **upon motion duly made and seconded, the Board voted unanimously to grant Applicants' application for three (3) Special Permits, as described herein.**

For the Board:

Dated: July 1, 2017



Ara Yogurtian  
Assistant Director  
Office of Community Development

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<sup>1</sup> In assessing the facts and issues in this case and the factors delineated in Section 4.2.2 of the Zoning Bylaws, the Board took into consideration: 1.) the efforts taken by the Applicants to factor in the impact, if any, of the addition on their neighbors; 2.) the extraordinary hardship and needs imposed upon the Applicants; 3.) the health and age of Eli, and the extent of his handicap; 4) the need for continuity in the education of their son Dylan at Belmont High School and the prohibitive cost of alternative housing, and 5.) the present condition of the Applicants' property in relation to the daily living requirements of Eli.

It should be noted that the decision in this case should not to be interpreted in any manner as providing any future Applicants additional rights under Section 4.2.2 of the Zoning Bylaws. The decision in this case shall not be deemed as precedent setting as each case is reviewed on its merits pursuant to the Zoning Bylaws of the Town of Belmont.

I, Margaret A. Piccione, hereby certify that twenty (20) days have elapsed after the decision was filed in the office of the Belmont Town Clerk on July 3, 2017, and further I certify that no appeal has been filed with regard to the granting of said three (3) Special Permits with zero (0) conditions.

July 24, 2017



Margaret A. Piccione, Assistant Town Clerk  
Belmont, MA

Any appeal from this decision must be made pursuant to Ch.40A, S.17, MGL, and must be filed within 20 days after the filing of such notice in the office of the Town Clerk.