

MOD

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**MODIFICATION OF DECISION TO CORRECT  
SCRIVENER'S ERROR**

2019 DEC 18 AM 10:31

**SHAUNA BERNARD  
ZONING BOARD OF APPEALS DECISION**

**TOWN OF BELMONT  
ZONING BOARD OF APPEALS**



2019 01832403  
Bk: 1418 Pg: 13 Cert#: 251478  
Doc: MOD 12/24/2019 08:38 AM

**Case No.:** ZBA 19-37 ✓  
**Property Address:** 71 Waverley Street  
**Date of Public Hearing:** December 18, 2019

Lot 206

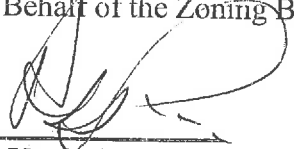
In the decision, a scrivener's error was made – the street address and the number of special permits was inadvertently transcribed.

- On the first page of the decision and the header on the second page, the Street name is identified as WAVERLY. The correct name is WAVERLEY.
- On the last page, replace the sentence “the Board voted 5-0 to grant the requested special permit” with “the Board voted 5-0 to grant the special permits”

DECIS 1832402

On Behalf of the Zoning Board of Appeals

Date: December 18, 2019

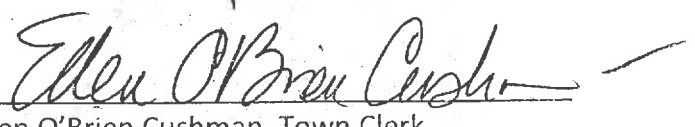


Ara Yogurtian  
Assistant Director  
Office of Community Development

Record Owners =  
Joseph Bernard  
Shauna Bernard

I, Ellen O'Brien Cushman, hereby certify that twenty (20) days have elapsed after the decision was filed in the office of the Belmont Town Clerk on November 25, 2019, 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.

December 18, 2019



Ellen O'Brien Cushman, Town Clerk  
Belmont, MA

This scrivener's error, correcting the spelling of "Waverley" and replacing "permit" with "permits", was filed with the Town Clerk on December 18, 2019

251478 1418-13

Doc 01832403

Southern Middlesex Land Court  
Registry District

RECEIVED FOR REGISTRATION

On: Dec 24, 2019 at 08:38A

Document Fee 75.00

Receipt Total: \$155.00

NOTED ON: CERT 251478 BK 01412 PG 13

ALSO NOTED ON:

I HEREBY ATTEST AND CERTIFY ON 12/24/19  
THAT THE FOREGOING DOCUMENT IS A FULL, TRUE AND  
CORRECT COPY OF THE ORIGINAL ON FILE IN MY OFFICE  
AND IN MY LEGAL CUSTODY.

MARIA C. CURTAWONE  
ASST. RECORDER  
LAND COURT

BY



DECIS

19-37

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BELMONT, MA

CO  
3

**TOWN OF BELMONT  
ZONING BOARD OF APPEALS**

2019 NOV 25 PM 3:26

Case No. 19-37 ✓

Applicant: Shauna Bernard

Property: 71 Waverly Street ✓

Date of Public Hearing: November 4, 2019

Members Sitting:  
 Nicholas A. Iannuzzi, Jr.  
 Jim Zarkadas  
 Philip Ruggiero  
 Andrew Plunkett  
 Casey Williams (Associate Member)  
 Andrew Kelley (Associate Member)  
 Teresa MacNutt (Associate Member)

Members Voting:  
 Nicholas A. Iannuzzi, Jr.  
 Jim Zarkadas  
 Philip Ruggiero  
 Andrew Plunkett  
 Andrew Kelley (Associate Member)

Record Owners =  
Joseph Bernard  
Lot 206 Shauna Bernard



2019 01832402  
Bk: 01418 Pg: 13 Cert#: 251478  
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**Introduction**

This matter came before the Board of Appeals (the "Board") of the Town of Belmont (the "Town") Acting as Variance and Special Permit Granting Authority under the Zoning By-Law of the Town of Belmont, Massachusetts (the "By-Law") and Chapter 40A of the Massachusetts General Law (the "Zoning Act"). The applicant, Shauna Bernard ("Applicant"), seeks three (3) Special Permits under Section 1.5 of the Belmont Zoning-By-Law to alter the roof structure to construct two dormers. Special Permits, 1. – Section 4.2 of the Zoning By-Law Dimensional Regulations allows a maximum of 2-1/2 stories, the existing structure is 3-1/2 stories. The lowest level of the dwelling is a basement (49.99% of the foundation walls are exposed) and is considered a story. The proposed alterations of the roof structure and the dormers are at 3-1/2 stories. 2. Section 4.2 requires a minimum side setback of 10.0', the existing side setback of the dwelling is 4.5' and the proposed alterations are at 6.3'. 3. Section 1.5.4.A of the By-Laws allow any alteration in the General Residence zoning district by Special Permit from the Board of Appeals, the proposed roof structure alterations are allowed by a Special Permit from the Board of Appeals.

**Proposal**

The Applicant proposes to alter the roof to construct two dormers to increase livable space at the attic level. The architect, Diane Miller, presented the proposal with architectural drawings, a plot plan dated July 26, 2019, zoning checklist dated July 26, 2019 and submitted six signatures of adjacent neighbors who are in support of the project.

No one spoke in support or in opposition to the proposal during the hearing.

251478

1418-13

Case No. 19-37  
Property: 71 Waverly Street

**Decision**

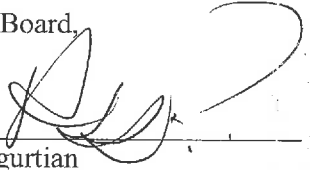
The By-Law provides that the Board may issue a Special Permit to reconstruct, extend, alter, or change a nonconforming structure “only if it determines that such reconstruction, extension, alternation, or change does not increase the nonconforming nature of said structure or create a new nonconformity and shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood and that it shall be in keeping with the character of the neighborhood in which it is located.” By-Law § 1.5.3.

The Board deliberated on November 4, 2019, and concluded that the proposed dormers are not substantially more detrimental to the neighborhood.

Accordingly, **upon motion duly made Jim Zarkadas and seconded Nick Iannuzzi, the Board voted 5-0 to grant the requested special permit for the proposed alteration to the roof and the dormers as requested and shown on the plans submitted to the Board.**

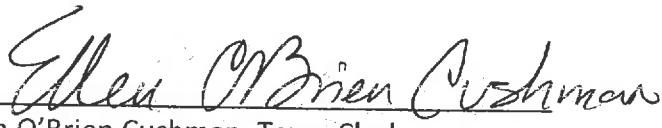
For the Board,

Date: November 25, 2019

  
\_\_\_\_\_  
Ara Yogurtian  
Assistant Director  
Office of Community Development

I, Ellen O’Brien Cushman, hereby certify that twenty (20) days have elapsed after the decision was filed in the office of the Belmont Town Clerk on November 25, 2019, 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.

December 18, 2019

  
\_\_\_\_\_  
Ellen O’Brien Cushman, Town Clerk  
Belmont, MA

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With

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6-21-12

(2)

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