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**TOWN OF BELMONT
ZONING BOARD OF APPEALS**

Case No. 20-01

Applicant: Matias Infante ✓


Property: 24 Broad Street ✓

Date of Public Hearing: February 3, 2020

Members Sitting: Nicholas A. Iannuzzi, Jr. Chair
Jim Zarkadas, Vice Chair
Andrew Plunkett
Casey Williams, Associate Member
Andrew Kelley, Associate Member
Teresa MacNutt, Associate Member

Members Voting: Nicholas A. Iannuzzi, Jr. Chair
Jim Zarkadas, Vice Chair
Andrew Plunkett
Casey Williams, Associate Member
Teresa MacNutt, Associate Member

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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 Belmont, Massachusetts (the "By-Law") and Chapter 40A of the Massachusetts General Law (the "Zoning Act"). The applicant Matias Infante ("Applicant"), seeks One (1) Special Permit under Section 1.5 of the Belmont Zoning-By- Law to construct a Dormer at 24 Broad Street ("Property") located in a Single Residence C (SRC) Zoning District.

Proposal

The Board held a duly noticed hearing on the application on February 3, 2020. The Applicant proposes to construct a Dormer at 24 Broad Street. The need for Special Permit is triggered by the following fact:

1. §4.2 of the Town of Belmont B-Laws allow two and a half (2.5) story structures, the existing structure is three and a half (3-1/2) stories, the lowest level of the dwelling is a basement (52.0% of the foundation walls are exposed) and is considered a story. The proposed dormer is at three and a half (3-1/2) story.

The proposal is set forth on plans, including elevations prepared by Diane Miller, Architect, dated October 16, 2019, a plot plan dated October 18, 2019, a Zoning Compliance Checklist dated October 21, 2019 and pictures of the building and other buildings in the neighborhood showing similar basements.

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Matias Infante, the applicant, presented the case to the Board and submitted signature sheets with 13 neighbors in support of the project.

Mr. Infante explained to the Board that the existing lower level of the dwelling is a basement similar to multiple others in the same neighborhood, and that any of his neighbors willing to construct dormers would be requesting relief from the Board. The proposed dormer complies with the half story calculations as set forth in the By-Law.

The proposed dormer will allow the addition of a bedroom, a bathroom and a den to the existing dwelling.

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

Decision

Pursuant to the "Gale vs. Gloucester" decision, the relief requested by the Applicant is by a Special Permit.

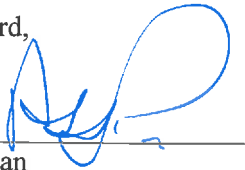
The By-Law provides that the Board may issue a Special Permit to reconstruct, extend, alter, or change a nonconforming structure "only if it determines that such reconstruction, extension, alternation, or change does not increase the nonconforming nature of said structure or create a new nonconformity 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.

A Special permit to allow a dormer at the upper level at the property was considered by the Board. The Board found that the proposed expansion does not substantially increase the non-conforming nature of the structure nor create a new nonconformity. The Board concluded that the proposed is not substantially more detrimental to the neighborhood than the existing non-conforming structure and that the proposed is in keeping with the character of the neighborhood in which the property is located.

Accordingly, **upon motion duly made by Vice Chair Jim Zarkadas and seconded by Andrew Plunkett, the Board voted 5-0 to grant the requested Special Permit as requested.**

For the Board,

Date: March 5, 2020

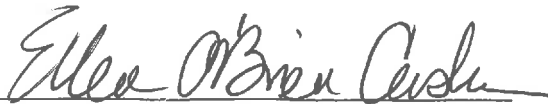


Ara Yogurtian
Assistant Director
Office of Community Development

CERTIFICATION BY TOWN CLERK

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 March 5, 2020, and further I certify that no appeal has been filed with regard to the granting of said One Special Permit with zero (0) conditions.

April 1, 2020



Ellen O'Brien Cushman, Town Clerk
Belmont, MA