

DELS

20-06



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OWNERS
JOHN C. NEWTON
FOUJANA NEWTON

**TOWN OF BELMONT
ZONING BOARD OF APPEALS**

Case No. 20-06
Applicant: John Newton
Property: 34-36 Frederick Street
Date of Public Hearing: February 3, 2020

LOT 59

Members Sitting: Nicholas Iannuzzi, Chair
James Zarkadas, Vice Chair
Andrew Plunkett
Casey Williams (Associate Member)
Andrew Kelley (Associate Member)
Teresa MacNutt (Associate Member)

Members Voting: Nicholas Iannuzzi, Chair
James Zarkadas
Andrew Plunkett
Casey Williams (Associate Member)
Andrew Kelley (Associate Member)

This matter came before the Board of Appeals (the "Board") of the Town of Belmont (the "Town") acting as 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, John Newton ("Applicant") seeks One Special Permit under section 5.1.2 to expand a non-conforming Front Yard Parking at 34-36 Frederick Street, located in a General Residence (GR) Zoning District.

The applicant proposes to expand an existing non-conforming front yard parking and create a new parking space on the left side of the dwelling.

In this regards the Applicant requests to expand an existing front yard parking from 11.5' depth to 16.0' in front of the structure and create a 33' deep driveway on the left side to allow parking for 3 cars without blocking the sidewalk in front of the property. The applicant explained that the current depth of the driveway is not sufficient to park any vehicles including any compact cars. He also mentioned that over the past years he has received several violations from the Belmont Police Department impeding foot traffic on the sidewalk.

The Applicant also provided structural engineering drawings showing the design of the retaining walls that would be needed to be constructed to allow the proposed expansion.

In regards to this case the Board had received an email from the abutting neighbor at 40 Frederick Street with a picture of a car partially parked on the sidewalk. it was not clear from the email if it was intended to support or to oppose to the proposed expansion.

No one spoke in favor or in support of the case during the hearing.

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Address: 34-36 Frederick Street

The Board was concerned about the height of the wall next to a walking surface near the front porch of the structure. The Applicant suggested that he was planning on installing either a guardrail or a fence at the top of the wall for safety.

§ 1.5.2 of the Town's By-Law provides that the Board may issue a Special Permit to reconstruct, extend, alter, or change a nonconformity "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."

The Board deliberated on February 3, 2020 and determined that there were no alternate feasible options for proper parking spaces and that the proposed is not more detrimental to the neighborhood than the existing.

Accordingly, **upon motion duly made by Nick Iannuzzi and seconded by Casey Williams, the Board voted 5-0 to grant the Special Permit to allow the expansion of Front Yard parking as requested.**

For the Board,

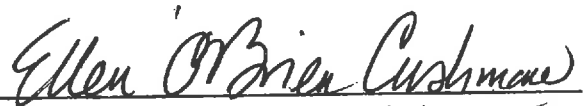
Dated: February 5, 2020



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 February 5, 2020, and further I certify that no appeal has been filed with regard to the granting of said one (1) Special Permit with zero (0) conditions.

February 28, 2020



Ellen O'Brien Cushman, Town Clerk
Belmont, MA