

**TOWN OF BELMONT  
ZONING BOARD OF APPEALS**

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BELMONT, MA

**CASE NO.** 20-28 2020 OCT 19 AM 10:10

**APPLICANT:** MICHAEL AND JUDITH HANLEY (owners)

**PROPERTY:** 12 Little Pond Road, Belmont, MA 02478

**DATE OF PUBLIC HEARING:** September 14<sup>th</sup>, 2020

Book 34438

**MEMBERS SITTING:** Nick Iannuzzi Chairman  
Jim Zarkadas, Vice-Chairman  
Andrew Kelley, Member  
Casey Williams, Member  
William Fick, Associate member

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**MEMBERS VOTING:** Nick Iannuzzi Chairman  
Jim Zarkadas, Vice-Chairman  
Andrew Kelley, Member  
Casey Williams, Member  
William Fick, Associate member



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Bk: 76697 Pg: 570 Doc: DECIS  
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**Introduction**

This matter came before the Board of Appeals ("Board") of the Town of Belmont ("Town") acting as Variance and Special Permit 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"). The Applicants Michael and Judith Hanley request One Special Permit under §1.5 of the Zoning Bylaw to enclose and expand a porch at 12 Little Pond Road located in Single Residence C (SRC) Zoning District. Special Permit 1.- §4.2.2 of the Zoning By-Law Dimensional Regulations require a minimum side setback of 10.0', the existing and proposed side setback is 9.5'.

The Board held a duly noticed hearing on the application on September 14, 2020 conducted via ZOOM videoconference (in connection with current restrictions regarding social distancing in connection with COVID-19). The Applicants Michael and Judith Hanley represented by their architect Diane Miller of Miller Design proposed their plans. No one spoke in favor and no one spoke in opposition to the Applicants' proposal.

**Proposal**

Judi and Mike Hanley, of 12 Little Pond Road, seek a special permit relief for the side yard setback in order to expand their one-story side screened porch and convert it into a den. Mike and Judi have lived in Belmont for 24 years and at their current residence for 19 years. During their time at this house they have enjoyed using the porch during the summer. As a result of the Covid-19 pandemic their needs have changed. With the uncertainty of the schools starting up in the fall, and a continued working from home schedule, they would like to better utilize this space. The proposed addition is 29 sf (4' -3" x 6' -11 "). The screened porch is currently 6' -11" wide (outside dimension) which creates a narrow interior space of 6' -5" wide and a side setback of 9.5' (10' required). They intend to maintain these dimensions, however would like to extend the room back to align with the rear of the main house so that the length of the room will increase from 12' -8" to 16' -11" (outside dimensions). The proposed work does not increase the height or story count, it only changes the lot coverage from 17.4% to 17.8% (25% required). The proposed work involves removing the clunky awnings that

*Judith Hanley, 12 Little Pond Road  
Belmont, MA 02478*

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Address: 12 Little Pond Road

extend another 2' on all sides of the structure. In this regard the proposed addition represents an improvement in terms of the perceived bulk of the structure and perceived distance from the side property line. The proposed addition is on the rear of the structure so it has minimal impact on the massing and aesthetics as seen from the street. The massing is simply an extension of the shed roofline for a seamless transition. Photos submitted show that most of the homes on the street are also central entrance colonials with a one-story side sun room, many which are enclosed spaces similar to what the applicants are proposing. In conclusion, the proposed home is comparable in scale and style to many other homes in the neighborhood. The proposed alteration does not pose any substantial detriment to the neighborhood and does not nullify or substantially derogate the intent of the by-law. The alteration is reasonably sized and in line with the neighbors.

### Conclusion

On September 14<sup>th</sup> 2020, the Board deliberated on the Applicants' **MICHAEL AND JUDITH HANLEY**'s request for One Special Permit under §1.5 of the Zoning Bylaw to enclose and expand a porch at 12 Little Pond Road located in Single Residence C (SRC) Zoning District. Special Permit 1.- §4.2.2 of the Zoning By-Law Dimensional Regulations require a minimum side setback of 10.0', the existing and proposed side setback is 9.5'.

Accordingly, upon motion duly made by Jim Zarkadas and seconded by Nick Ianuzzi, the Board voted 5-0 to grant the Applicants' One (1) Special Permit as requested.

For the Board:

Dated: September 23, 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 October 19, 2020, and further I certify that no appeal has been filed with regard to the granting of said One (1) Special Permits with Zero (0) conditions.

Statutory appeal periods, and thus the issuance of Certificates of No Appeal, have been temporarily affected by Court Standing Orders, available at [www.mass.gov/guides/court-system-response-to-covid-19](http://www.mass.gov/guides/court-system-response-to-covid-19). Applicants, abutters and interested parties should consult the Standing Orders to determine their next actions. Any decision by a permit holder to proceed is at their own risk, and the permit holder is urged to consult their own legal counsel.

Under Section 17 of Chapter 53 of the Acts of 2020, the requirement to record permit decisions with the Registry is suspended for so long as the Registry is "closed or subject to rules and procedures restricting public in-person access." However, such recording will still be required upon the full reopening of the Registry. The Middlesex County Registry of Deeds continues to accept filings by postal mail during this period, and permit holders are requested to file for recording through this method to the extent possible.



Ellen O'Brien Cushman, Town Clerk  
Belmont, MA

December 10, 2020