

RECEIVED  
TOWN CLERK  
BELMONT, MA

CASE NO. 21-24

2021 AUG 31 AM 9:43 NOTICE OF PUBLIC HEARING BY THE  
ZONING BOARD OF APPEALS

ON APPLICATION FOR FOUR SPECIAL PERMITS

Notice is hereby given that the Belmont Zoning Board of Appeals will hold a public hearing on Monday, September 13, 2021 at 7:00 PM by remote access through the Zoom app. to consider the application of Andrew Conery for Four Special Permits under §1.5 of the Zoning By-Law to reconstruct an existing garage at 33 Gilbert Road located in General Residence (GR) Zoning district. Section 4.2 of the Zoning By-Law Dimensional Regulations, for accessory structures require (1) - a minimum rear setback of 5.0', the existing and proposed rear setback is 0.2'. (2) - minimum side setback of 5.0', the existing and proposed side setback is 1.1'. (3) - a minimum 5.0' clearance from the principal structure, the existing and proposed clearance from the rear landing is +/-2.0'. (4) - allows a maximum lot coverage of 30.0%, the existing and proposed lot coverage is 32.7%.

ZONING BOARD OF APPEALS



Town of Belmont  
Zoning Board of Appeals

RECEIVED  
TOWN CLERK  
BELMONT, MA

2021 AUG 31 AM 9:43

**APPLICATION FOR A SPECIAL PERMIT**

Date: June 13, 2021

Zoning Board of Appeals  
Homer Municipal Building  
19 Moore Street  
Belmont, MA 02478

To Whom It May Concern:

Pursuant to the provisions of Massachusetts General Laws, Chapter 40A, Section 9, as amended, and the Zoning By-Laws of the Town of Belmont, I/we the undersigned, being the owner(s) of a certain parcel of land (with the buildings thereon) situated on 33 GILBERT Street/Road, hereby apply to your Board for a **SPECIAL PERMIT** for the erection or alteration on said premises or the use thereof under the applicable Section of the Zoning By-Law of said Town for \_\_\_\_\_

REBUILDING GARAGE  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

on the ground that the same will be in harmony with the general purpose and intent of said Zoning By-Law.

Signature of Petitioner

*Andrew Conery*

Print Name

Andrew Conery

Address

33 Gilbert Road Unit 2

Belmont, MA 02478

Daytime Telephone Number

617-821-9117



**OFFICE OF COMMUNITY DEVELOPMENT  
TOWN OF BELMONT**

**19 Moore Street  
Homer Municipal Building  
Belmont, Massachusetts 02478-0900**

Telephone: (617) 993-2650 Fax: (617) 993-2651

**Building Division  
(617) 993-2664  
Engineering Division  
(617) 993-2665  
Planning Division  
(617) 993-2666**

June 8, 2021

Andrew Conery  
33 Gilbert Road  
Belmont, MA 02478

RE: Denial to Rebuild Existing Garage

Dear Mr. Conery,

The Office of Community Development is in receipt of your building permit application for your proposal to rebuild an existing nonconforming detached garage at 33 Gilbert Road located in a General Residence (GR) Zoning District.

Your application has been denied because it does not comply with the current Town of Belmont Zoning By-Law. More specifically, Section 4.2 of the Zoning By-Law Dimensional Regulations, for accessory structures requires a minimum rear setback of 5.0', minimum side setback of 5.0', 5.0' clearance from the principal structure and allows a maximum lot coverage of 30.0%.

1. The existing and proposed rear setback is 0.2'.
2. The existing and proposed side setback is 1.1'.
3. The existing and proposed clearance from the rear landing is +/-2.0'.
4. The existing and proposed lot coverage is 32.7%.

You may alter your plans to conform to the current Town of Belmont Zoning By-Law and resubmit a building permit application, or you may request four (4) Special Permits from the Zoning Board of Appeals. If you choose this option, please contact the Office of Community Development to schedule an appointment with Ara Yogurtian, Assistant Director, at (617) 993-2650 in order to begin the process.

Sincerely,

Glenn R. Clancy, P.E.  
Inspector of Buildings

## **Request for Special Permit Re: Setbacks & Lot Coverage**

Submitted by  
The Gilbert Road Condominium Trust  
Rep: Andrew Conery

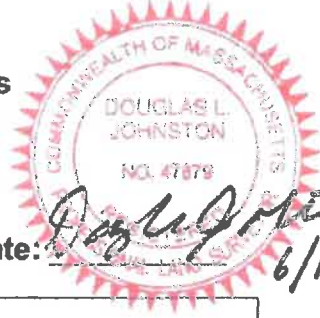
Owners of  
33 Gilbert Road, Belmont MA 02478

We propose to rebuild portions of our existing garage at 33 Gilbert Road in Belmont. The existing garage's north facing block wall is bowing and failing and the ceiling has begun leaking in several spots over time. We have worked with Keith Miller of Miller Design, a local Belmont architect to review options for rebuilding the garage. Our intention is to replace the damaged block walls and other structural and foundation elements with new wood framed walls with proper footings and a new roof within the same footprint of the existing structure. Almost every house on Gilbert Road has a garage of approximately the same size in the same locations (directly on setback lines) as our existing and proposed garage.

The original building permit application was denied because it does not comply with the current Town of Belmont Zoning By-Law. Section 4.2 of the Zoning By-Law Dimensional Regulations, for accessory structures requires a minimum rear setback of 5.0', minimum side setback of 5.0', 5.0' clearance from the principal structure and allows a maximum lot coverage of 30.0%. We propose to rebuild and maintain all the existing dimensions of the current garage. The existing and proposed rear setback is 0.2'. The existing and proposed side setback is 1.1'. The existing and proposed clearance from the rear landing is 2.0'. The existing and proposed lot coverage is 32.7%. We are asking the Zoning Board of Appeals to grant us a special permit allowing us to rebuild this Garage with new materials and foundations. It is our belief that the proposed Garage is in keeping with the character of the neighborhood and not detrimental to the community.

# Zoning Compliance Check List

Properties Located within the GR Zoning Districts  
(To be Completed by a Registered Land Surveyor)



Property Address: 33 GILBERT RD.

Surveyor Signature and Stamp: \_\_\_\_\_

Date: 6/16/21

### Per §4.2 of the Zoning By-Law

		REQUIRED	EXISTING	PROPOSED
Lot Area (sq. ft.)		5,000 S.F.	4,934 S.F.	4,939 S.F.
Lot Frontage (feet)		50'	50.5'	50.5'
Lot Area/Unit (sq. ft./d.u.)		3,500 S.F.	2,500 S.F.	2,500 S.F.
Lot Coverage (% of lot)		30%	32.7%	32.7%
Open Space (% of lot)		40%	44.6%	44.6%
Setbacks: (feet)	➤ Front <sup>(a)</sup>	28.05'	28.3'	28.3'
	➤ 2nd Front Door (25%)			
	➤ Side/Side	10'   10'	16'   5.3'	16'   5.3'
	➤ Rear	20'	17.8'	17.8'
Building Height:	➤ Feet	33'	31.2'	31.2'
	➤ Stories	2 1/2	2 1/2	2 1/2
1/2 Story (feet) (Per §1.4)	➤ Perimeter (50%)			
	➤ Area (60%)			
	➤ Length (75%)			

### Per §6D of the Zoning By-Law

HVAC:	Prohibited in Front Yard and Side and Rear Setbacks						
Front Doors:	Both Must Face Street <sup>(b)</sup>						
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;"></th> <th style="text-align: center;">STANDARD</th> <th style="text-align: center;">PROPOSED</th> </tr> </thead> <tbody> <tr> <td>Curb Cut (One per 70' Frontage) <sup>(c)</sup></td> <td style="text-align: center;">/</td> <td style="text-align: center;">/</td> </tr> </tbody> </table>		STANDARD	PROPOSED	Curb Cut (One per 70' Frontage) <sup>(c)</sup>	/	/
	STANDARD	PROPOSED					
Curb Cut (One per 70' Frontage) <sup>(c)</sup>	/	/					

- (a) Front setback is equal to the average front setbacks of the abutting properties on either side.
- (b) The second unit's front door may be allowed to face the side yard only if the existing structure is historically or architecturally significant.
- (c) A second curb cut may be allowed where the Applicant can demonstrate that creating a second curb cut is harmonious with the surrounding neighborhood.

**SUBMIT CALCULATIONS** for all of the requirements listed above on a separate piece of paper(s) to verify how they were calculated

31 – 35 Gilbert Road



EXISTING GARAGE AND  
NEIGHBOR'S GARAGE

25 Gilbert Road



NEIGHBORHOOD HOUSE

39 Gilbert Road



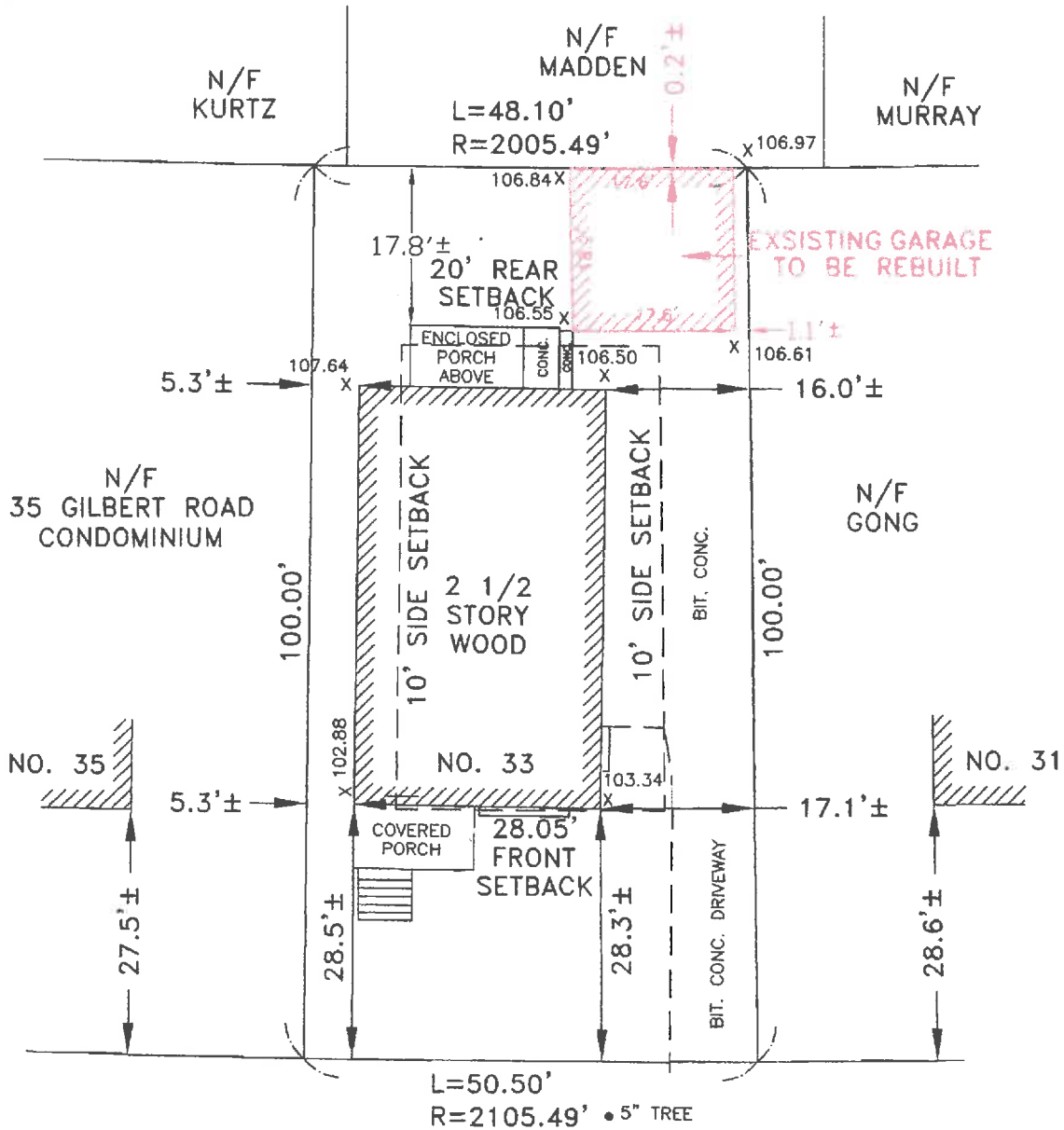
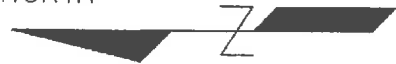
NEIGHBORHOOD HOUSE

45 Gilbert Road



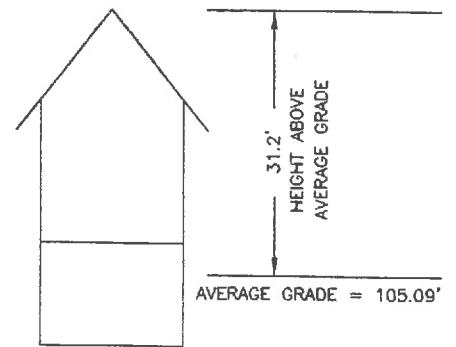
NEIGHBORHOOD HOUSE

NORTH



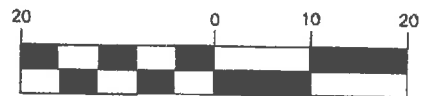
# GILBERT ROAD

LOT AREA = 4,934 S.F.±  
 EXISTING BUILDING = 1,285 S.F.±  
 EXISTING GARAGE = 330 S.F.±  
 EXISTING PAVEMENT = 1,120 S.F.±  
 PROPOSED ADDITION = 0 S.F.±  
 EXISTING LOT COVERAGE = 32.7%  
 PROPOSED LOT COVERAGE = 32.7%  
 EXISTING OPEN SPACE = 44.6%  
 PROPOSED OPEN SPACE = 44.6%



### NOTES

1. SEE DEED RECORDED IN MIDDLESEX COUNTY REGISTRY OF DEEDS IN DEED BOOK 54839, PAGE 175.
2. SEE PLAN RECORDED IN MIDDLESEX COUNTY REGISTRY OF DEEDS IN PLAN BOOK 291, PAGE 35.
3. SUBJECT PARCEL IS LOCATED IN ZONE GR.
4. SUBJECT PARCEL IS LOCATED IN FLOOD ZONE X AS SHOWN ON PANEL 25017C0418E WITH AN EFFECTIVE DATE OF JUNE 4, 2010.
5. ONE PUBLIC SHADE TREE IS LOCATED WITHIN THE LIMITS OF THE PROPERTY FRONTAGE OF THE SUBJECT PROPERTY.
6. FRONT OFFSET:  $27.5 + 28.6 = 56.1$ ;  $56.1 / 2 = 28.05$ ;  
FRONT OFFSET = 28.05'.



( IN FEET )  
1 inch = 20 ft.

CERTIFIED PLOT PLAN  
IN  
BELMONT, MA

SCALE: 1" = 20' JUNE 9, 2021

DLJ GEOMATICS  
PROFESSIONAL LAND SURVEYING  
276 NORTH STREET  
WEYMOUTH, MA 02191  
(781) 812-0457

33 GILBERT RD BELMONT.dwg

  
 PROFESSIONAL LAND SURVEYOR DATE 6/16/21





GENERAL NOTES:

1. COORDINATE AND BE RESPONSIBLE FOR THE PROTECTION OF PERSONS AND PROPERTY FOR THE DURATION OF CONSTRUCTION AS REQUIRED BY AGENCIES AND AUTHORITIES HAVING JURISDICTION.
2. DO NOT DAMAGE BUILDING ELEMENTS AND IMPROVEMENTS INDICATED TO REMAIN.
3. DO NOT INTERRUPT UTILITIES WITHOUT THE WRITTEN PERMISSION OF THE OWNER.
4. REMOVE SALVAGE AND DEBRIS FROM THE SITE AS IT ACCUMULATES. DO NOT STORE, SELL, BURN OR OTHERWISE DISPOSE OF THE DEBRIS ON THE SITE. KEEP ALL PAVEMENTS AND AREAS ADJACENT TO AND LEADING FROM THE SITE CLEAN AND FREE OF MUD, DIRT, AND DEBRIS AT ALL TIMES. ALL MATERIALS SHALL BE DISPOSED OF IN A LEGAL MANNER.
5. SORT DEBRIS FOR RECYCLING TO THE EXTENT POSSIBLE. REMOVE OR ARRANGE FOR THE TRANSPORT OF SORTED MATERIALS SCHEDULED TO BE RECYCLED TO APPROPRIATE OFF-SITE FACILITIES EQUIPPED FOR THE RECYCLING OF SPECIFIC MATERIALS. PROVIDE CONTAINERIZED DUMPSTERS FOR THE SORTING OF DEMO WASTES.
6. CEASE OPERATIONS IF PUBLIC SAFETY OR REMAINING STRUCTURES ARE ENDANGERED. PERFORM TEMPORARILY CORRECTIVE MEASURES UNTIL OPERATIONS CAN BE CONTINUED PROPERLY.
7. ALL INTERIOR DIMENSIONS ARE FROM FACE OF GWB TO FACE OF GWB UNLESS SPECIFICALLY NOTED OTHERWISE. DO NOT SCALE DRAWINGS.
8. CONTRACTOR TO COORDINATE THE LOCATION OF ELECTRICAL OUTLETS TO MEET CODE. CONTRACTOR TO UPGRADE ELECTRICAL PANEL AS NEEDED TO ACCOMMODATE NEW ADDITION.
9. PAINT AND/OR STAIN ALL EXTERIOR SIDING, DOORS, WINDOWS, AND TRIM AND INTERIOR SURFACES PER OWNERS DIRECTION.
10. ALL LIGHTING FIXTURES TO BE FURNISHED BY OWNER, INSTALLED BY CONTRACTOR.



EXISTING GARAGE

ZBA REVIEW SET  
APRIL 30, 2021

PROJECT DESCRIPTION: REPLACED DETACHED GARAGE

DRAWING LIST

- A1 COVER SHEET
- A2 EXISTING GARAGE PLANS & ELEVATIONS
- A3 EXISTING GARAGE PLANS & ELEVATIONS
- A4 PROPOSED GARAGE PLANS & ELEVATIONS
- A5 PROPOSED GARAGE PLANS & ELEVATIONS

ZONING INFORMATION: ZONED GR  
SEE SURVEY FOR GARAGE LOCATION

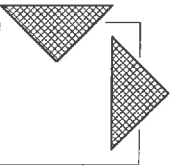
SYMBOL LEGEND

- WALL TO BE DEMOLISHED
- EXISTING WALL TO REMAIN
- NEW WALL
- SECTION
- DOOR TAG
- WINDOW TAG
- RECESSED CAN LIGHT AS SELECTED BY OWNER
- WALL MOUNTED SCONCES AS SELECTED BY OWNER
- CEILING MOUNTED LIGHT AS SELECTED BY OWNER

ACCESSORY STRUCTURE

SETBACKS MIN 5' (SEE SURVEY)	.2 FT +	NON-CONFORMING
GARAGE AREA	320 SQFT	CONFORMING
HEIGHT	12'-1"	CONFORMING
40% BACK YARD ALLOWANCE	SURVEY	CONFORMING
5' BUILDING OFFSET	SURVEY	NON-CONFORMING

MILLER  
DESIGN LLC



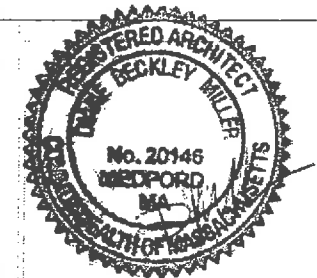
80 CLARK STREET  
BELMONT, MA 02478  
TEL: 617.993.3157

Architect:  
Miller Design LLC  
80 Clark Street  
Belmont MA 02478  
617-993-3157

Date: Issued for:

04/16/21 SCHEMATIC DESIGN

04/30/21 ZBA REVIEW SET

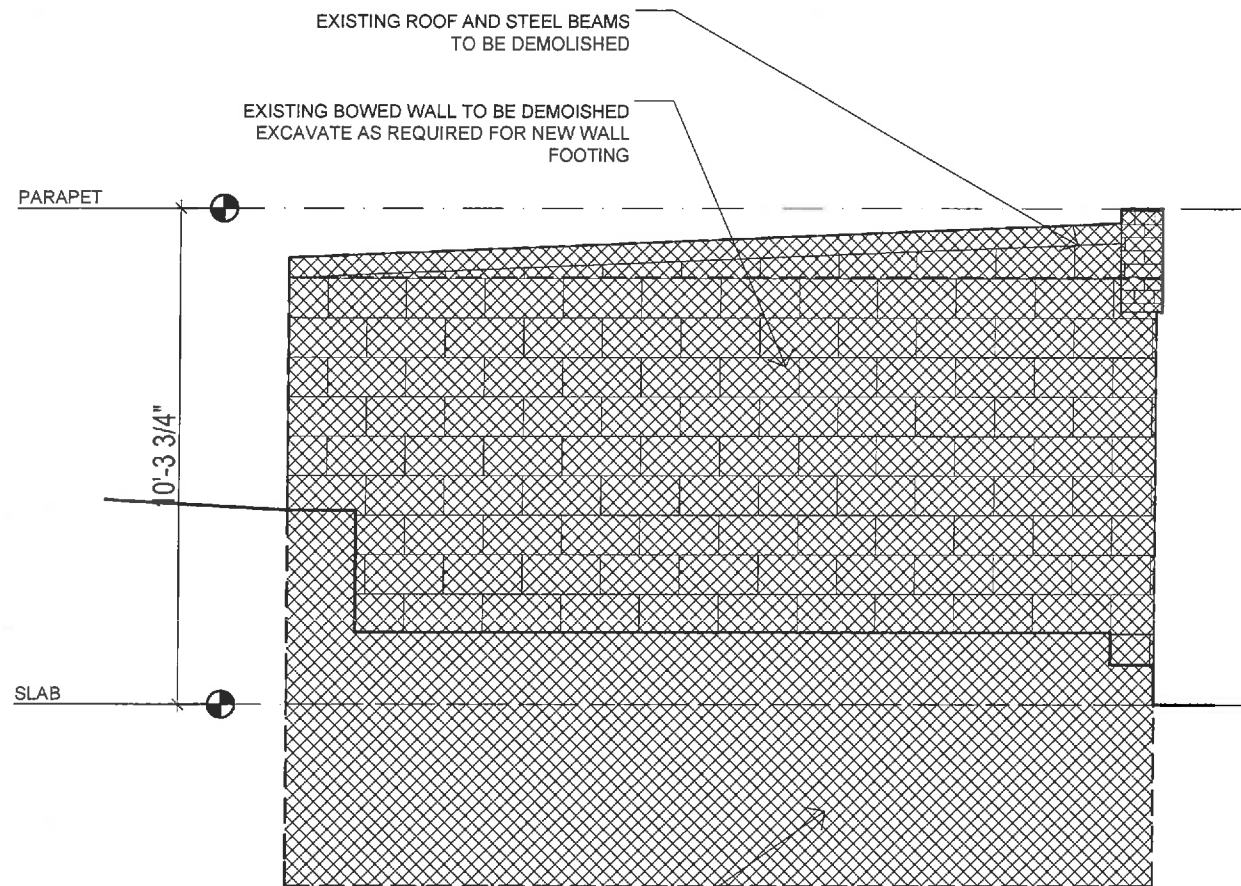


GILBERT ROAD  
CONDOMINIUM TRUST  
33 GILBERT ROAD  
BELMONT MA

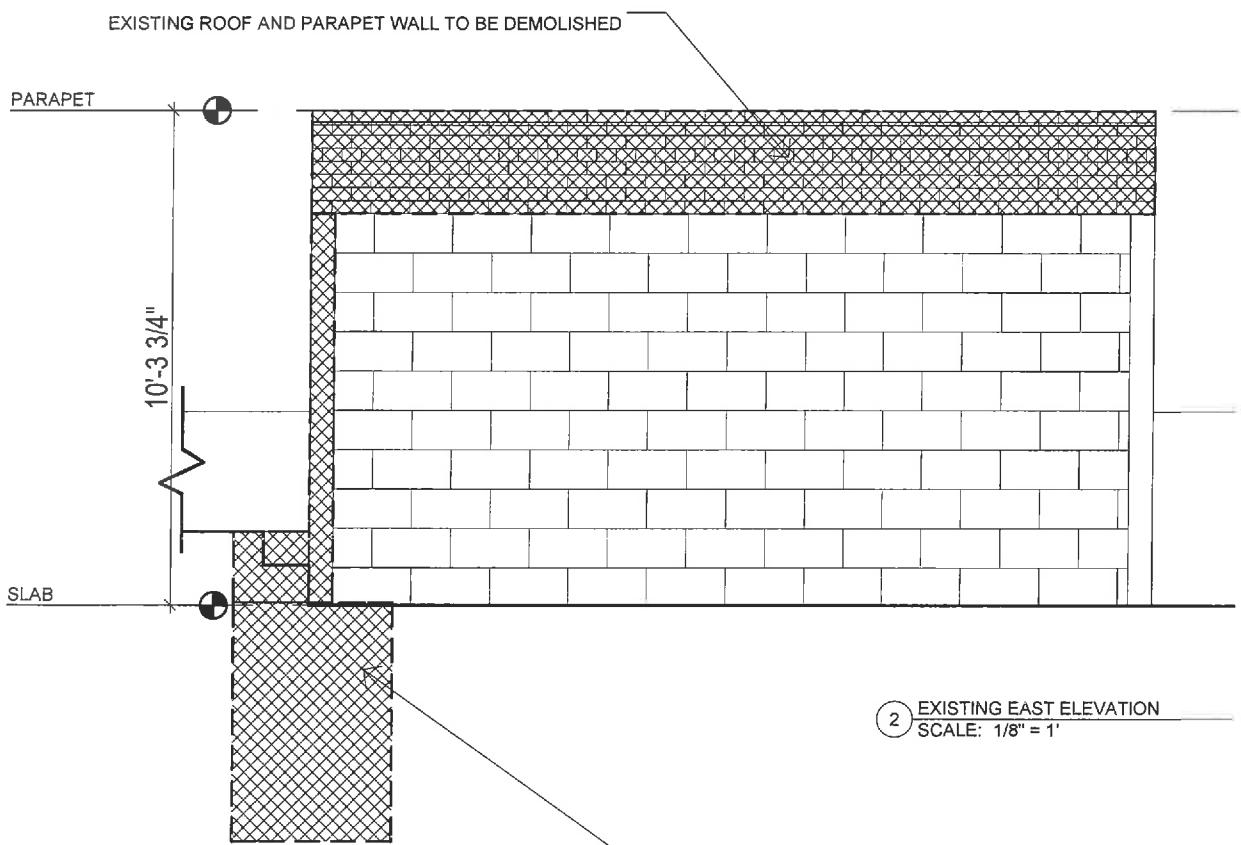
GARAGE PLANS

Sheet  
Number:

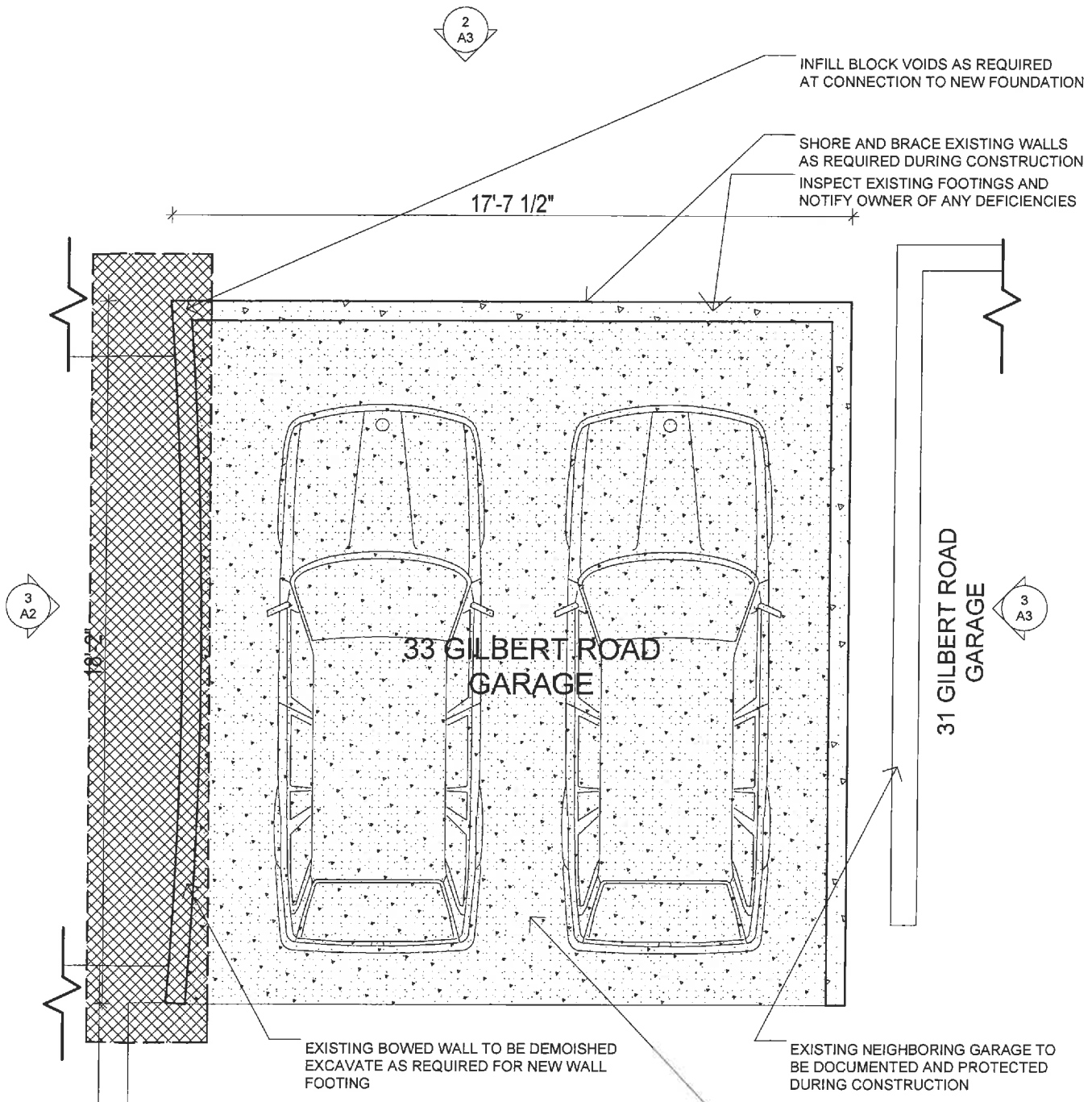
A01



3 EXISTING NORTH ELEVATION  
SCALE: 1/8" = 1'



2 EXISTING EAST ELEVATION  
SCALE: 1/8" = 1'



1 EXISTING GARAGE PLAN  
SCALE: 1/8" = 1'

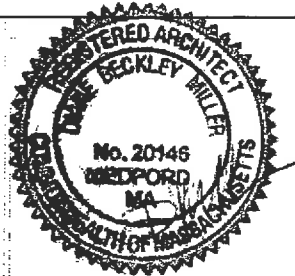


**MILLER DESIGN LLC**

80 CLARK STREET  
BELMONT, MA 02478  
TEL: 617.993.3157

Architect:  
Miller Design LLC  
80 Clark Street  
Belmont MA 02478  
617-993-3157

Date:	Issued for:
04/16/21	SCHEMATIC DESIGN
04/30/21	ZBA REVIEW SET



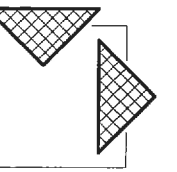
GILBERT ROAD  
CONDOMINIUM TRUST  
33 GILBERT ROAD  
BELMONT MA

**GARAGE PLANS**

Sheet Number:

**A02**

MILLER  
DESIGN LLC



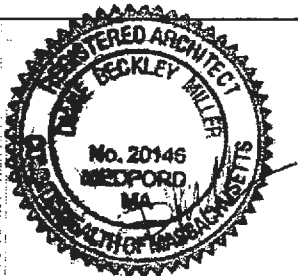
52 STATLER ROAD  
BELMONT, MA 02478  
TEL: 617.893.3157

Architect:  
Miller Design LLC  
52 Statler Road  
Belmont MA 02478  
617-893-3157

Date: Issued for:

04/16/21 SCHEMATIC DESIGN

04/30/21 ZBA REVIEW SET



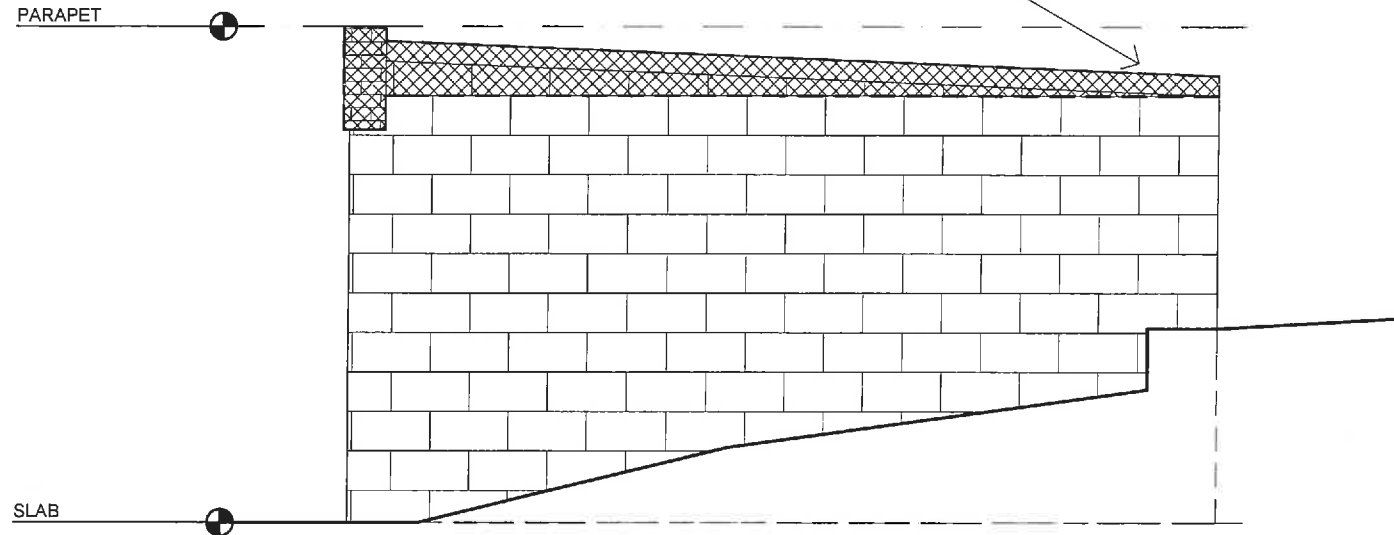
GILBERT ROAD  
CONDOMINIUM TRUST  
33 GILBERT ROAD  
BELMONT MA

GARAGE PLANS

Sheet  
Number:

A03

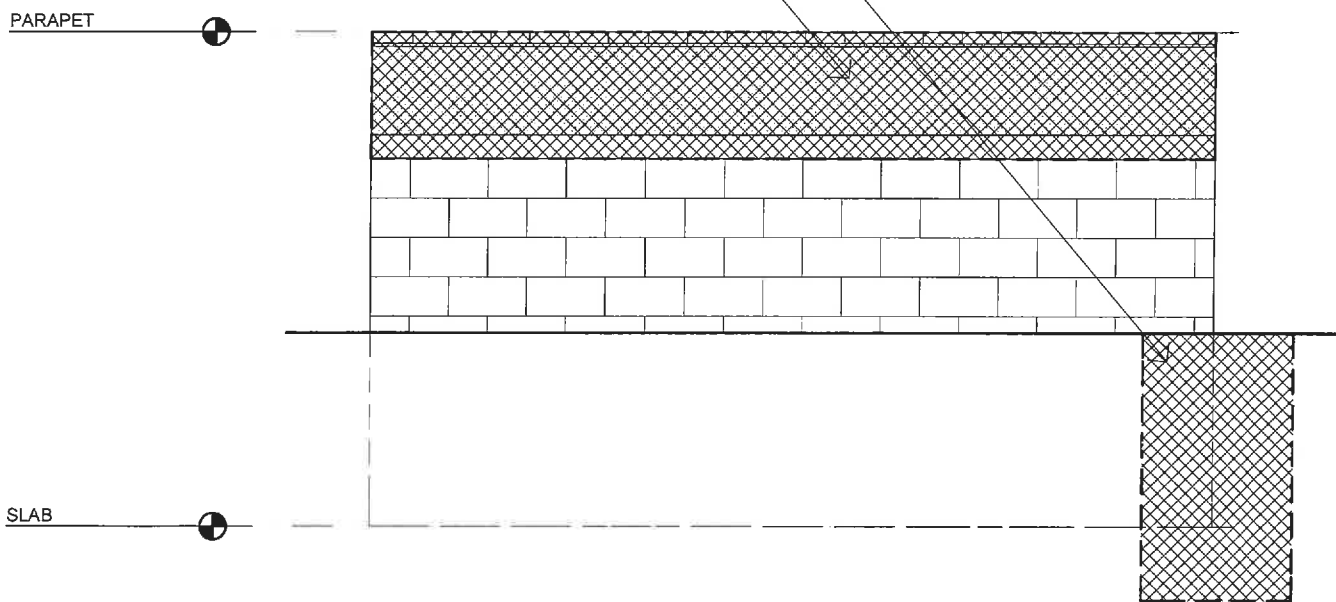
EXISTING ROOF AND STEEL BEAMS  
TO BE DEMOLISHED



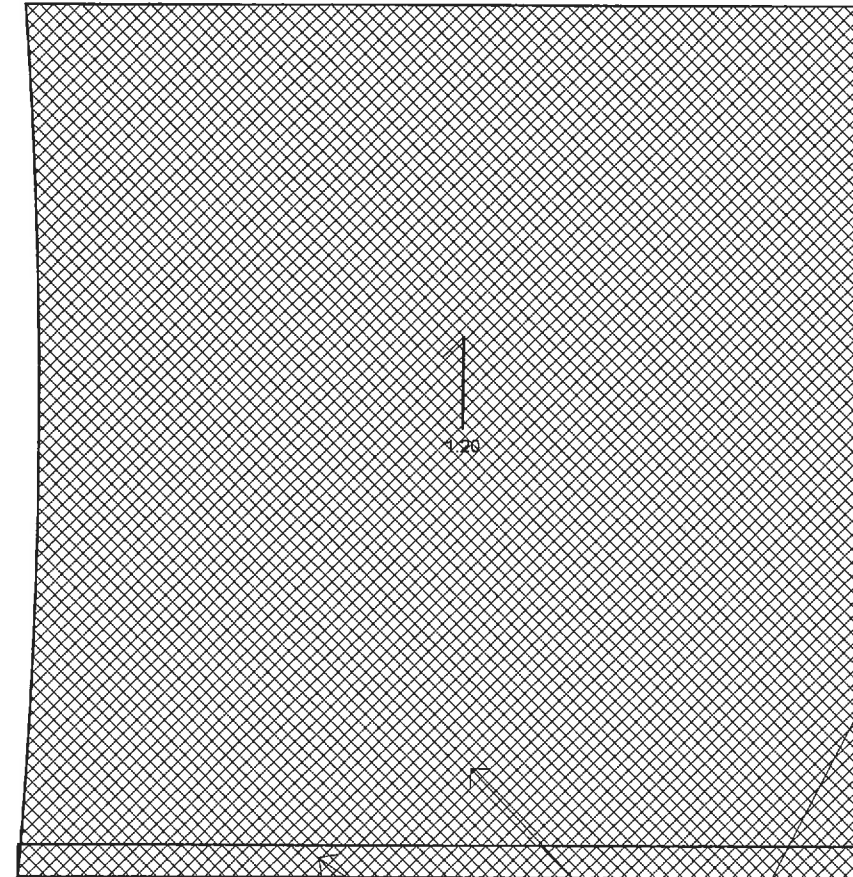
3 EXISTING SOUTH ELEVATION  
SCALE: 1/8" = 1'

EXCAVATE AS REQUIRED FOR NEW  
FOOTINGS

EXISTING ROOF AND PARAPET WALL TO BE DEMOLISHED



2 EXISTING WEST ELEVATION  
SCALE: 1/8" = 1'



1 EXISTING GARAGE PLAN  
SCALE: 1/8" = 1'

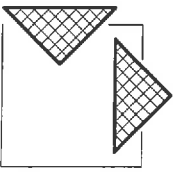
EXISTING NEIGHBORING GARAGE TO  
BE DOCUMENTED AND PROTECTED  
DURING CONSTRUCTION

EXISTING FLAT ROOF AND STEEL TO  
BE DEMOLISHED

EXISTING PARAPET WALL TO BE DEMOLISHED



MILLER  
DESIGN LLC



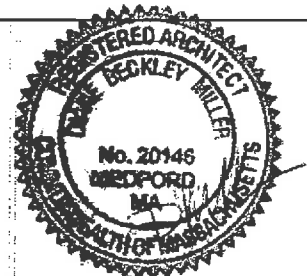
52 STATLER ROAD  
BELMONT, MA 02478  
TEL: 617.993.3157

Architect:  
Miller Design LLC  
52 Statler Road  
Belmont MA 02478  
617-993-3157

Date: Issued for:

04/16/21 SCHEMATIC DESIGN

04/30/21 ZBA REVIEW SET



GILBERT ROAD  
CONDOMINIUM TRUST  
33 GILBERT ROAD  
BELMONT MA

PROPOSED  
GARAGE PLANS

Sheet  
Number:

A04

ROOF ASSEMBLY:  
ROOF PITCH TO MATCH EXISTING  
30 YEAR ASPHALT ROOF SHINGLES TME  
NO. 15 BUILDING PAPER  
BITUTHENE ICE AND WATER BARRIER  
PLYWOOD SHEATHING  
SEE FRAMING PLAN FOR STRUCTURE

EXTERIOR WALL ASSEMBLY:  
VINYL SIDING  
AS SELECTED DIRECTED BY OWNER  
TYVEK "COMMERCIAL WRAP" O.A.E.  
GREEN BOARD SHEATHING  
GREEN BOARD TAPE  
2X4 WOOD STUDS @ 16" O.C.

NEW GUTTERS W/DOWNSPOUTS  
AT BACK OF GARAGE

PROVIDE 6" AZEK TRIM BOARDS  
AT ALL TRIM LOCATIONS

REPOINT/REPAIR EXISTIGN BLOCK AS REQUIRED

2 - 2X4 PT SILL PLATE W/ 1/2" DIAM.  
ANCHOR BOLTS AT 3'-0" OC  
SILL SEALER AND FLASHING, TYP  
10" WIDE CONCRETE CURB  
(SEE STRUCTURAL NOTE FOR CONNECTION DETAIL  
TOP OF CONCRETE CURB TO ALIGN W/ TOP OF EXISTING  
FOUNDATION WALL, VIF)

33 GILBERT ROAD  
GARAGE

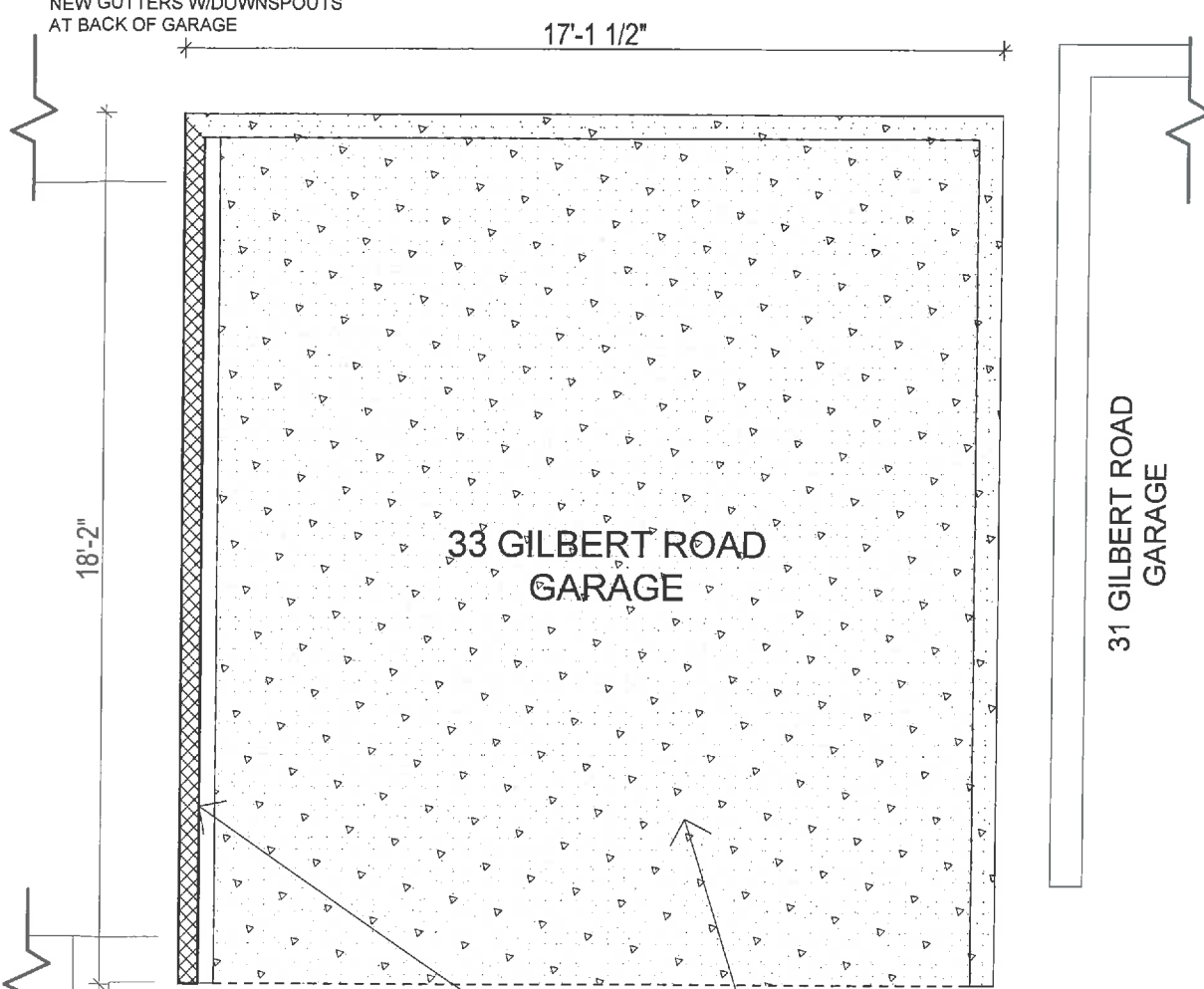
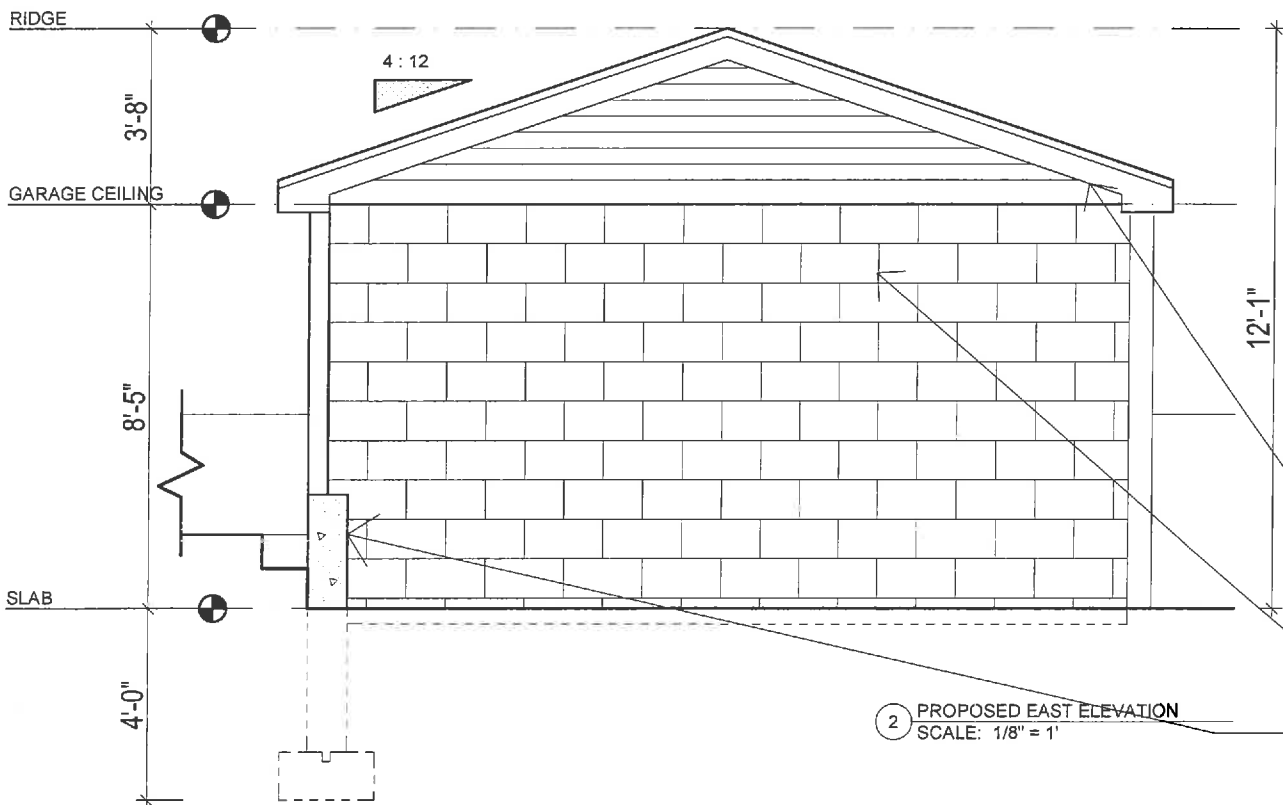
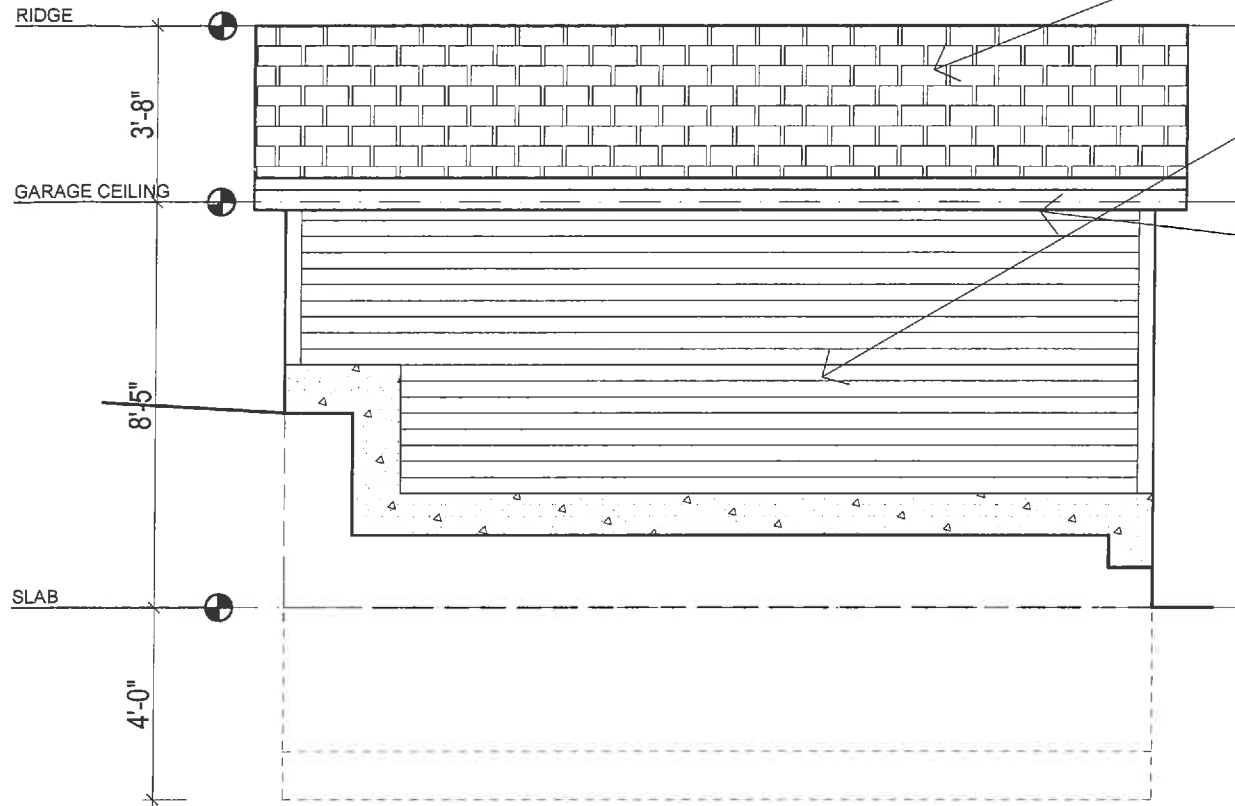
GARAGE FLOOR ASSEMBLY:  
4" REINF. CONCRETE SLAB  
MIN 10 MIL. POLYETHYLENE VAPOR BARRIER  
MIN 4" COMPACTED GRAVEL FILL  
CONSULT OWNER ON ADDITIONAL  
GRAVEL AND PERF. PVC DRAINAGE

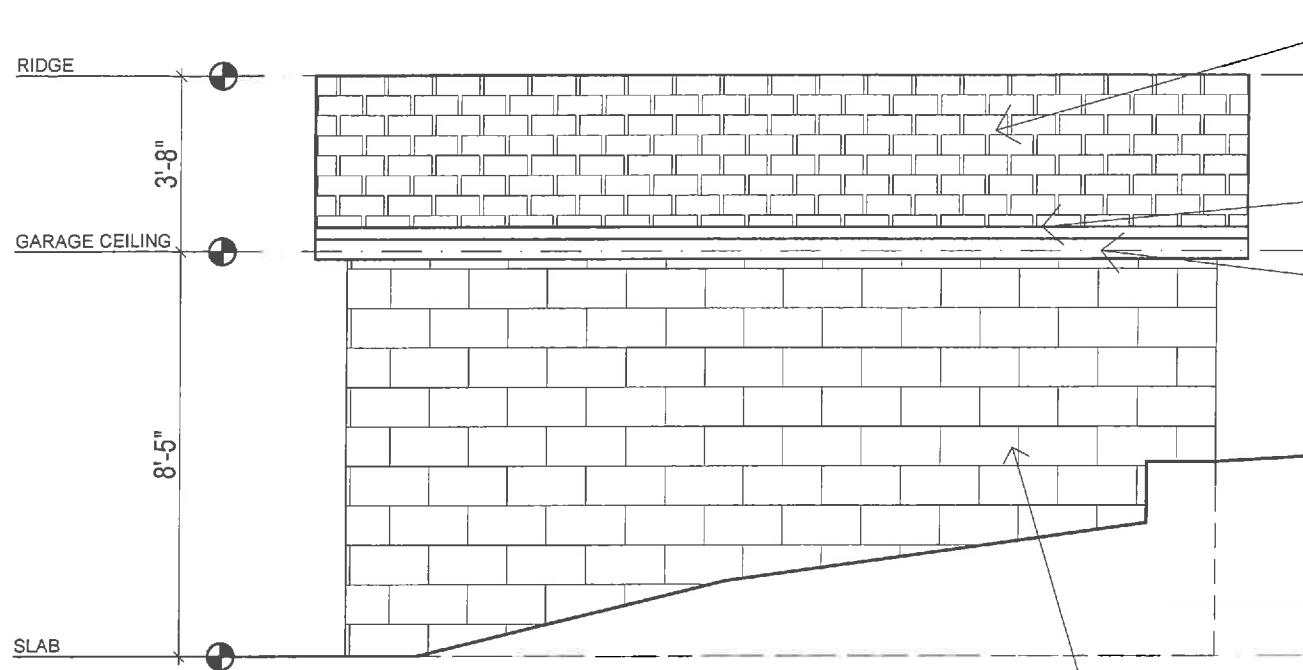
EXTERIOR WALL ASSEMBLY:  
VINYL SIDING  
AS SELECTED DIRECTED BY OWNER  
TYVEK "COMMERCIAL WRAP" O.A.E.  
GREEN BOARD SHEATHING  
GREEN BOARD TAPE  
2X4 WOOD STUDS @ 16" O.C.

1 PROPOSED GARAGE PLAN  
SCALE: 1/8" = 1'

3 PROPOSED NORTH ELEVATION  
SCALE: 1/8" = 1'

2 PROPOSED EAST ELEVATION  
SCALE: 1/8" = 1'





ROOF ASSEMBLY:  
 30 YEAR ASPHALT ROOF SHINGLES TME  
 NO. 15 BUILDING PAPER  
 BITUTHENE ICE AND WATER BARRIER  
 PLYWOOD SHEATHING  
 SEE FRAMING PLAN FOR STRUCTURE

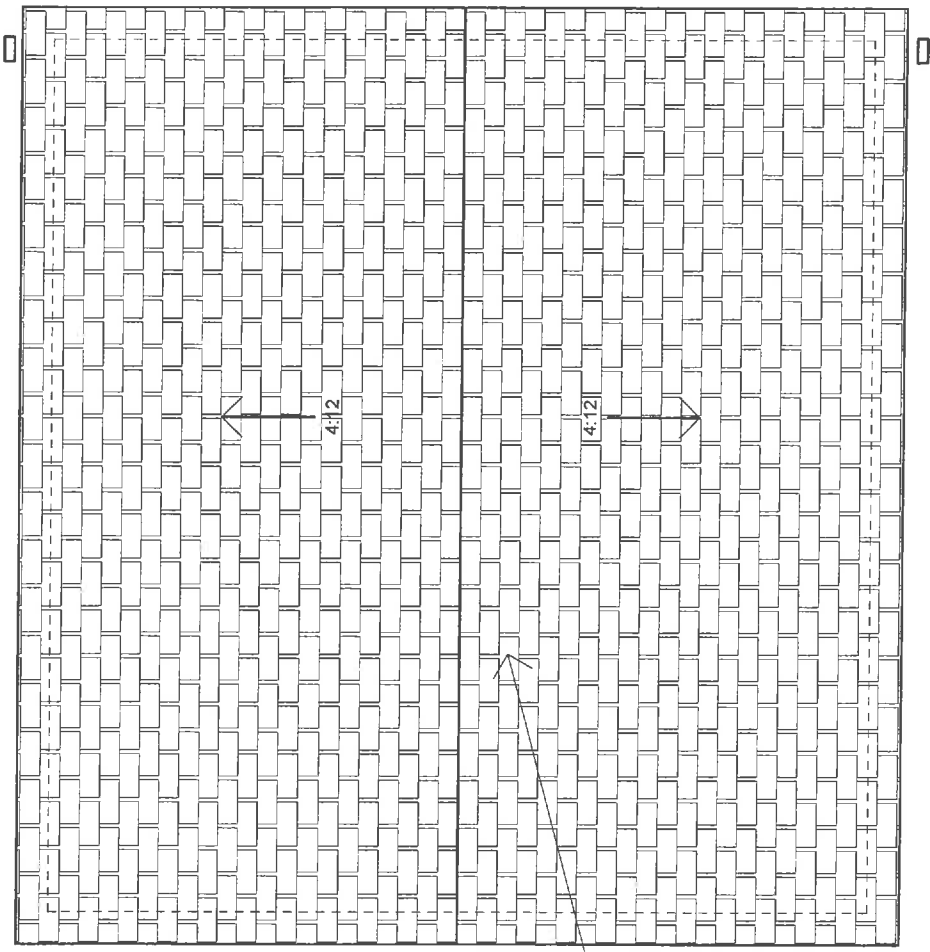
PROVIDE 6" AZEK TRIM BOARDS  
 AT ALL TRIM LOCATIONS

NEW GUTTERS W/DOWNSPOUTS  
 AT BACK OF GARAGE

2  
A5

3 PROPOSED SOUTH ELEVATION  
 SCALE: 1/8" = 1'

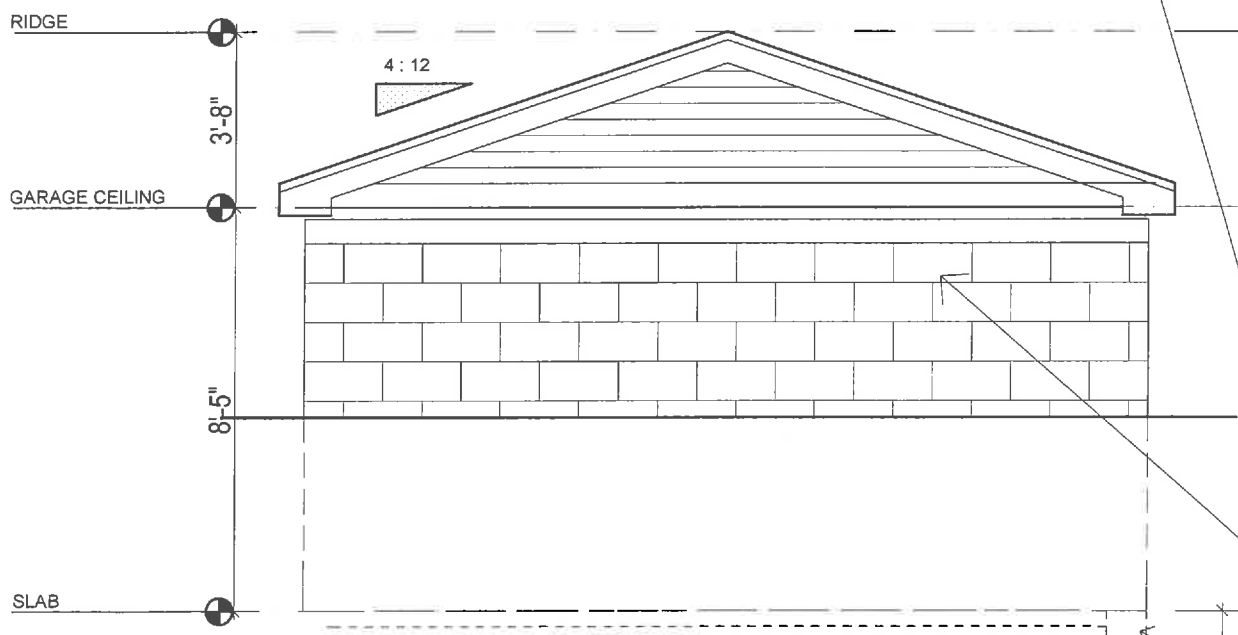
3  
A5



ROOF ASSEMBLY:  
 ROOF PITCH TO MATCH EXISTING  
 30 YEAR ASPHALT ROOF SHINGLES TME  
 NO. 15 BUILDING PAPER  
 BITUTHENE ICE AND WATER BARRIER  
 PLYWOOD SHEATHING  
 SEE FRAMING PLAN FOR STRUCTURE

2  
A4

1 PROPOSED ROOF PLAN  
 SCALE: 1/8" = 1'



UP REPOINT/REPAIR EXISTIGN BLOCK AS REQUIRED

10" THICK CONCRETE FOUNDATION WALL

1'-0" X 2'-0" CONT. FOOTINGS AT 4'-0"  
 BELOW GRADE, MIN W/ 2X4 KEYWAY

2 PROPOSED WEST ELEVATION  
 SCALE: 1/8" = 1'

MILLER  
 DESIGN LLC

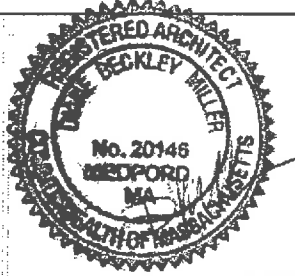
52 STATLER ROAD  
 BELMONT, MA 02478  
 TEL: 617.993.3157

Architect:  
 Miller Design LLC  
 52 Statler Road  
 Belmont MA 02478  
 617-993-3157

Date: Issued for:

04/16/21 SCHEMATIC DESIGN

04/30/21 ZBA REVIEW SET



GILBERT ROAD  
 CONDOMINIUM TRUST  
 33 GILBERT ROAD  
 BELMONT MA

PROPOSED  
 GARAGE PLANS

Sheet  
 Number:

A05

