

**MODIFICATION OF DECISION TO CORRECT**  
**SCRIVENER'S ERROR**  
**REGINA HANSON, SUSAN HANSON and CHRISTOPHER MORRIS**  
**ZONING BOARD OF APPEALS DECISION**

**TOWN OF BELMONT**  
**ZONING BOARD OF APPEALS**

**Case No.:** ZBA 21-30  
**Property Address:** 43 Barnard Road  
**Date of Public Hearing:** November 1, 2021

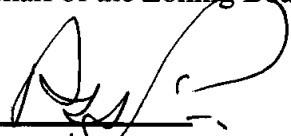
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In the decision, a scrivener's error was made – the last name of the Applicants was inadvertently transcribed.

- On the first page of the decision the last names of the applicants is identified as HENSON. The correct last name of the Applicants is HANSON.

On Behalf of the Zoning Board of Appeals

Date: December 29, 2021



Ara Yogurtian  
Assistant Director  
Office of Community Development

Dud ref 63140-496




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**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 November 29, 2021, and Scrivener's Error filed in the office of the Belmont Town Clerk on December 29, 2021, 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.



Ellen O'Brien Cushman, Town Clerk  
Belmont, MA

December 29, 2021

Christopher Morris  
43 Barnard Rd  
Belmont, Ma. 02478

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**TOWN OF BELMONT  
ZONING BOARD OF APPEALS**

Case No. 21-30

Applicant: Regina Henson, Susan Henson and Christopher Morris

Property: 43 Barnard Road

Date of Public Hearing: November 1, 2021

Members Sitting: Nick Iannuzzi, Chairman  
Casey Williams  
Andrew Kelley  
Teresa MacNutt  
Elliot Daniels, Associate Member  
David Stiff, Associate Member  
Jeff Birenbaum, Associate Member

Members Voting: Nick Iannuzzi, Chairman  
Casey Williams  
Andrew Kelley  
Teresa MacNutt  
David Stiff, Associate Member

**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 applicants Regina Henson, Susan Henson and Christopher Morris (the "Applicant"), seek One (1) Special Permit under Section 1.5 of the Belmont Zoning By-Law to construct dormers at 43 Barnard Road located in a General Residence (GR) zoning district. §4.2.2 of the By-Law requires a minimum side setback of 10.0', the existing and proposed side setback is 7.5'.

The Board held a duly noticed hearing on the application on November 1, 2021.

**Proposal**

The Applicants propose to construct two dormers, one on either side of the roof structure to add a bedroom and a bathroom in the attic space. The proposed dormer on the north side which is necessary to construct a new staircase to the attic, does not meet the required 10.0' side setback. Board members were pleased with the design of the two dormers making it symmetrical and in harmony with the character of the neighborhood.

The applicants submitted to the Board's review plans prepared by Yael Getz Schoen dated May 28, 2021, a plot plan dated June 2, 2021 and zoning checklist dated June 9, 2021.

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In response to a question by Ms. MacNutt, Mr. Morris explained that he had reached out to the owner of the property on the north but had not received any responses. He had also reached out to the tenants of said property and both neighbors had no objection to the proposed dormers.

At the meeting no one spoke in favor or in opposition to the proposed project.

**Decision**

MGL 40A §6 provides in pertinent part: "Pre-existing nonconforming structures or uses may be extended or altered, provided, that no such extension or alteration shall be permitted unless there is a finding by the permit granting authority or by the special permit granting authority designated by ordinance or by-law that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood."

In the present case, the Board did not find the proposed additions of the new dormers to be substantially more detrimental. The Board found that the proposed does not increase the nonconforming nature of the structure or create a new nonconformity. The proposed will be consistent in style with the existing house. The Board concluded that the proposed are not substantially more detrimental than the existing non-conforming structure to the neighborhood and that the proposed is in keeping with the character of the neighborhood in which it is located.

**Accordingly, upon motion duly made by Teresa MacNutt and seconded by Nicholas Iannuzzi, the Board voted 5-0 to grant the requested One (1) special permit for the proposed addition of dormers as requested.**

For the Board,

Date: November 29, 2021



Ara Yogurtian  
Assistant Director  
Office of Community Development

**CERTIFICATION BY TOWN CLERK**

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Ellen O'Brien Cushman, Town Clerk  
Belmont, MA

December 29, 2021