

**TOWN OF BELMONT
ZONING BOARD OF APPEALS**

2023 APR 20 PM 2:26

CASE NO. 23-03

APPLICANT: Jonathan Boutin and Dana Lombardi

PROPERTY: 87 Rutledge Road

DATE OF PUBLIC HEARING February 6, 2023

MEMBERS SITTING Nicholas A. Iannuzzi Jr., Chair
Casey Williams
Andrew Kelley
Teresa MacNutt
David Stiff, Associate Member
Elliot Daniels, Associate Member

MEMBERS VOTING Nicholas A. Iannuzzi Jr., Chair
Casey Williams
Andrew Kelley
Teresa MacNutt
Elliot Daniels, Associate Member

Introduction

This matter came before the Board of Appeals (the “Board”) of the Town of Belmont (the “Town”) acting as Special Permit Granting Authority under Zoning By-Law of the Town of Belmont, Massachusetts (the “By-Law”) and Chapter 40A of the Massachusetts General Law (the “Zoning Act”). The applicants, Jonathan Boutin and Dana Lombardi, (“Applicants”) request Two Special Permits under Section §1.5 of the Zoning By-Law to replace the existing rear addition, rear deck, and rear enclosed patio and construct a new rear addition and enlarged rear patio at 87 Rutledge Road located in the Single Residence B (SR-B) Zoning District. The Applicants sought the following special permit:

1. Under §4.2.2 of the Zoning By-Law requires a minimum side setback of 10.0’, the existing and proposed side setback is 8.5’.
2. Under §4.2.2 of the Zoning By-Law requires a minimum side setback of 10.0’, and proposed side setback is 9.1.’

Proposal

The Board held a duly noticed hearing on the application on February 6, 2023. The Applicant submitted for the Board’s review a plot plan, dated December 5, 2022, prepared by surveyor Jason A. Ellis of Hancock Survey Associates; a zoning compliance check list, dated November 18, 2023, prepared by surveyor Jason A. Ellis; and architectural drawings, dated October 26, 2022, prepared by Jeremy Roc Jih of J. Roc Design. The application packet also included site photographs and diagrams. The Applicants submitted three letters of support.

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The Applicant, Mr. Boutin, explained that the proposed rear addition and deck will extend further towards the rear lot line, but will still conform with the required rear setback of 30.0'. The Applicant proposed to maintain the existing non-conforming side setbacks of 8.5' and 9.1' respectively. The Applicant also proposed to maintain the existing front colonial façade but proposed a glass rear façade, which would increase natural light exposure.

At the hearing no one spoke in opposition to the application.

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 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."

The Board found that replacing the rear addition, rear deck, and rear enclosed patio with the proposed addition is not substantially more detrimental to the neighborhood than the existing non-conforming structure, and that the proposed alterations are in keeping with the character of the neighborhood in which the property is located.

Accordingly, upon motion duly made by Casey Williams and seconded by Andrew Kelley, the Board voted 5-0 to grant the Two (2) Special Permits as requested.

For the Board,

Dated: April 20, 2023



Gabriel S. Distler
Staff Planner
Planning Division
Office of Community Development