

2023 MAY -8 PM 12: 37

**TOWN OF BELMONT
ZONING BOARD OF APPEALS**

CASE NO. 23-04

APPLICANTS Lisa Zeidenberg and Samuel Record

PROPERTY 16 Holt Street

DATE OF PUBLIC HEARING February 6, 2023

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

MEMBERS VOTING Nicholas Iannuzzi Jr., Chair
Teresa MacNutt
Andrew Kelley
Casey Williams
David Stiff, 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 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 applicants, Lisa Zeidenberg and Samuel Record, (“Applicants”) request One Special Permit under section 1.5 of the By-Law to construct a deck at 16 Holt Street located in a General Residence (GR) Zoning District. The Applicants sought the following special permit:

- 1.-§1.5.4 of the By-Law allows extensions and alterations of non-confirming structures in the GR zoning district by a Special Permit from the Zoning Board of Appeals.

Proposal

The Board held a duly noticed hearing on the application on February 6, 2023. The Applicants submitted for the Board’s review a plot plan, dated October 27, 2022, prepared by surveyor Scott C. Lynch of Rober Survey; a zoning compliance check list, dated October 27, 2022, prepared by surveyor Scott C. Lynch of Rober Survey; and architectural drawings, dated November 12, 2022, prepared by architect Carl C. Oldenburg of Oldenburg Architecture. The Applicants also submitted two letters of support.

Contractor, Tom Fernandes, spoke on behalf of the Applicants. Mr. Fernandes explained that the applicant proposed the demolition of a non-conforming rear entranceway that extends into the properties side setback. Mr. Fernandes, and architect Carl C. Oldenburg, further explained that the location of the proposed vestibule, deck, and stairs are located entirely outside

Case # 23-04
Address: 16 Holt Street

the side setback and thus conformed with the Zoning Bylaw. Lastly, Mr. Fernandes explained that proposed vestibule, deck, and stairs, will not be visible from the street or front property line and will not be detrimental to the neighborhood since it will be constructed with materials, colors and details that match the existing home.

At the hearing, no member of the public spoke in favor or 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 the proposed rear vestibule, deck, and stairs is not substantially more detrimental to the neighborhood than the existing non-confirming rear entranceway. The Board further determined that the proposed alterations are in keeping with the character of the neighborhood in which the property is located.

Accordingly, upon a motion duly made by Nick Iannuzzi and seconded by Casey Williams, the Board voted 5-0 to grant the one (1) Special Permit as requested.

For the Board,

Dated: May 8, 2023



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