

**TOWN OF BELMONT
ZONING BOARD OF APPEALS**

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CASE NO. 23-08

APPLICANT: Erica Eckman

PROPERTY: 70 Fairview Avenue

DATE OF PUBLIC HEARING: March 6, 2023

MEMBERS SITTING: Nicholas A. Iannuzzi, Jr. Chairman
Jim Zarkadas, Vice Chairman
Casey Williams
Andrew Kelley
Teresa MacNutt
Elliot Daniels, Associate Member
David Stiff, Associate Member

MEMBERS VOTING: Nicholas A. Iannuzzi, Jr. Chairman
Jim Zarkadas, Vice Chairman
Casey Williams
Andrew Kelley
Teresa MacNutt

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 Applicant, Erica Eckman (“Applicant”) requested One Special Permit under section 3.4.2H of the By-Law to allow a home occupation at 70 Fairview Avenue located in a General Residence (GR) Zoning District. Special Permit:

- 1.-§3.4.2H of the By-Law allows home occupations that result in patrons or 3 clients visiting the premises by Special Permit.

Proposal

The Board held a duly noticed hearing on March 6, 2023. Though the Applicant did not initially submit floor plans or architectural renderings, upon conditional approval from the Board, the Applicant submitted a sketch of her residence and proposed work space. The sketch indicates that no more than one third of the habitable floor area of the residence will be used for the proposed home occupation, as mandated by §3.4.2B of the Zoning Bylaw. The Applicant included three (3) letters of support with the initial application.

The Applicant has operated a private psychotherapy practice for over 15 years. Pre-pandemic the Applicant saw clients at a shared space in Boston with a colleague. The Applicant shared the space for 10 years. Due to the pandemic, the Applicant’s practice became fully virtual. The Applicant had been

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practicing virtually for 3 years from 70 Fairview Avenue and thus no longer has her space in Boston. The Applicant now has several clients who now would like to meet with her in person.

The Applicant further explained that she is a solo practitioner, with no staff. The Applicant will be practicing with clients seeing her in person and virtually explaining that there will not be much foot or vehicle traffic. As to parking the Applicant explained that she had a garage for two (2) cars and a driveway that fits three (3) cars. The Applicant noted that the clients would park in the driveway and not on the street and she would schedule clients one at a time. The Applicant normally sees six (6) clients per day. The hours proposed for the practice will be Monday through Friday 10 a.m. to 7:00 and the Applicant explained she is practicing three (3) days per week on average. The Applicant also explained that the majority of her clients will remain virtual, at least for the time being.

Town of Belmont Staff Planner Gabriel S. Distler noted that this is a two-family property, and that the Applicant's official residence is in unit #2 (the upstairs unit).

A member of the public, Doug Crane of 74 Fairview Avenue, noted that he would not oppose a Special Permit so long as the proposed use is restricted to the upstairs unit (unit #2).

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."

On March 6, 2023 the Board deliberated on the Applicant's request pursuant to § Applicant, Erica Eckman ("Applicant") request for One Special Permit under section 3.4.2H of the By-Law to allow a home occupation at 70 Fairview Avenue. The Board found that the proposed request is not more detrimental to the neighborhood and is in keeping with the character of other houses in the vicinity.

Accordingly, upon motion duly made by Chair Nicholas A. Iannuzzi, Jr. and seconded by Vice Chair Zarkadas, the Board voted 5-0 to grant the Applicant, Erica Eckman, one (1) Special Permit with the following conditions and restrictions: The Applicant is allowed to see six (6) clients per day in person. The Applicant's hours of operation shall be 9:00 a.m. to 7:00 p.m. Monday through Thursday. A sketch is to be submitted to the Office of Community Development showing the second-floor plan of unit #2 where she will meet with the patients.

For the Board:

Dated: June 5, 2023



Gabriel S. Distler
Office of Community Development
Staff Planner