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**TOWN OF BELMONT
PLANNING BOARD**

2021 MAR 18 AM 9:12

CASE NO. 21-02

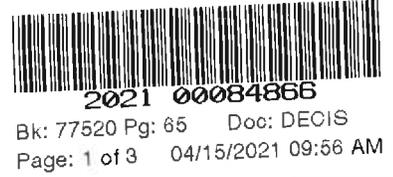
APPLICANT: Jon Rostler and Amy Roberts

PROPERTY: 35 Poplar Street

DATE OF PUBLIC HEARING: January 19, 2021
Continued: February 16, 2021, March 2, 2021

MEMBERS SITTING/
Steve Pinkerton, Chairman
Thayer Donham
Ed Starzec
Renee Guo
Matt Lowrie
Karl Haglund

MEMBERS VOTING:
Steve Pinkerton, Chairman
Thayer Donham
Ed Starzec
Matt Lowrie
Karl Haglund



BK-40771
Pg-324

Introduction

This matter came before the Planning Board (“Board”) of the Town of Belmont (“Town”) acting as 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 Applicants, Jon Rostler and Amy Roberts, request Two (2) Special Permits under Section 1.5 of the Zoning By-Law to construct a three story addition and to increase the size of their home by more than 300 square feet of the gross floor area at 35 Poplar Street Street, located in a General Residence (GR) zoning district.

Proposal

The Applicants propose to construct a rear addition which per the Town of Belmont’s By-Law is considered a three story addition. The lower level of the structure is considered a basement, 40.63% of the foundation walls are exposed and is considered a story. The proposed addition is more than 300 square feet and is allowed by a Special Permit Granted by the Planning Board.

The two requested Special Permits are as follows:

- 1) §4.2 of the By-Law allows two and a half (2-1/2) story structures, the existing structure is three and a half (3-1/2) stories. The lowest level of the dwelling is a basement (40.63% of the foundation walls are covered) and is considered a story.

Amy Roberts
35 Poplar St
Belmont, Ma. 02478

- The proposed is a three story addition.
- 2) §1.5.4A(2) of the By-Law allows expansion of more than 300 square feet in the General Residence district by a Special Permit granted by the Planning Board.

Submissions to the Board:

- 1) Application Submission:
 - a. Application for Special Permit, dated January 5, 2021
 - b. A copy of the denial letter, dated January 4, 2021
 - c. Project Narrative – 35 Poplar Street, Jon Rostler and Amy Roberts
 - d. Construction Documents, dated December 2, 2020:
 1. Pictures and maps of the neighborhood;
 2. Seven neighborhood support letters;
 3. Existing and proposed floor plans and elevations;
 4. Existing and proposed landscaping plans;
 - e. Zoning Compliance Check List, dated December 1, 2020;
 - f. Certified Plot Plan, dated December 1, 2020;
- 2) Revised Documentation:
 - a. New Elevations, dated February 5, 2021;
 - b. New Floor plans, dated February 5, 2021.

Public Hearing

The Board held a duly noticed public hearing on the application on January 19, 2021 conducted via ZOOM videoconference (in connection with current restrictions regarding social distancing in connection with COVID-19). Mr. Rostler and Mrs. Roberts presented the project to the Board, explaining that the third story addition was due to the topography of land which was common throughout the neighborhood.

Mr. Edward O'Brien, a direct abutter, expressed opposition to the proposed project, his comments were that the proposed was out of character with the other buildings in the neighborhood; that the three story addition will block his view and sunlight and that an approval of such an addition will set precedence for other projects to come for approvals. Four other neighbors spoke in favor of the proposed project.

The Board reached to a consensus that the proposed 3rd level addition was not in harmony with the other buildings in the neighborhood and that the final Total Living Area of the dwelling proposed by this project was much larger than surrounding structures.

Mr. Pinkerton suggested a working group meeting with the applicants and the architect to discuss alternative designs that might be acceptable by the Board.

Deliberation and Decision

After the working group meeting, second story addition over an existing sunroom at the side of the house was proposed in lieu of the third floor addition at the rear. Although per the By-Law this addition is considered a third story addition, the visual appearance of was as a second floor addition due to the topography of land as the grade on this side (North) being higher than the rear (West) of the property. The total area of the addition was also reduced.

On March 2, 2021, the Board deliberated on the Applicants' request for two Special Permits under Section 1.5 of the Zoning By-Law to alter a nonconforming structure (nonconforming number of stories) in order to construct a rear addition (addition greater than 300 square feet of existing gross floor area) at 35 Poplar Street in a General Residence Zoning District. Five (5) Board members voting on the case found that the proposed revised additions will not be substantially more detrimental to the neighborhood than the existing homes and that it will be in keeping with the character of the neighborhood. The additions will not increase any of the existing nonconformities.

Accordingly, upon motion duly made and seconded, **the Board voted 5-0 to grant the applicants' request for Two Special Permits to construct a Two Story rear addition and a Third Level side addition at 35 Poplar Street subject to the following conditions:**

General:

1. This approval is based upon the submitted and revised plans identified above. No modifications, except as provided in the conditions listed below, may be made without the approval of the Board, or a determination in writing by the Building Inspector that the modification is so minor that the approval of the Board is not required.
2. A revised plot plan must be submitted to the Office of Community Development with a new building permit application.
3. An as-built plan shall be submitted to the Office of Community Development prior to the a final building inspection.

Landscaping:

1. Landscaping shall be maintained as approved.

Submitted on Behalf of the Planning Board,

Ara Yogurtian



Assistant Director
Office of Community Development

Dated: March 15, 2021

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 March 18, 2021 and further I certify that no appeal has been filed with regard to the granting of said Two (2) Special Permits with four (4) conditions.

Statutory appeal periods, and thus the issuance of Certificates of No Appeal, have been temporarily affected by Court Standing Orders, available at www.mass.gov/guides/court-system-response-to-covid-19. Applicants, abutters and interested parties should consult the Standing Orders to determine their next actions. Any decision by a permit holder to proceed is at their own risk, and the permit holder is urged to consult their own legal counsel.

Under Section 17 of Chapter 53 of the Acts of 2020, the requirement to record permit decisions with the Registry is suspended for so long as the Registry is "closed or subject to rules and procedures restricting public in-person access." However, such recording will still be required upon the full reopening of the Registry. The Middlesex County Registry of Deeds continues to accept filings by postal mail during this period, and permit holders are requested to file for recording through this method to the extent possible.



Ellen O'Brien Cushman, Town Clerk
Belmont, MA