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**TOWN OF BELMONT
ZONING BOARD OF APPEALS**

CASE NO. 23-01

APPLICANT: Paul and Paula Aloisio

PROPERTY: 211-213 Beech Street

DATE OF PUBLIC HEARING: January 9, 2023

MEMBERS SITTING: Nicholas A. Iannuzzi, Chair
Demetrios (Jim) Zarkadas, Vice Chair
Teresa MacNutt
Casey Williams
Andrew Kelley
Elliot Daniels, Associate Member
David Stiff, Associate Member

MEMEBERS VOTING: Nicholas A. Iannuzzi, Chair
Demetrios (Jim) Zarkadas, Vice Chair
Teresa MacNutt
Andrew Kelley
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, Paul and Paula Aloisio, request Two (2) Special Permits under section 1.5 of the By-Law to remove an existing second story open front porch and roof and construct a new enclosed space at 213 Beech Street located in a General Residence (GR) Zoning District. The Applicant sought the following special permit:

1. Under §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 Appels.
2. Under §4.2.2 of the Zoning By-Law requires a minimum front setback of 13.4’, the existing and proposed front setback is 11.9’.

Proposal

The Board held a duly noticed hearing on the application on January 9, 2023. The Applicants had submitted for the Board’s review architectural drawings dated October 10, 2022, prepared by Frank Dill Architects; a plot plan dated October 6, 2022, prepared by surveyor Bruce Bradford of Everett M. Brooks Co.; a zoning compliance check list, dated November 28, 2022 prepared by surveyor Bruce Bradford; and basement/cellar calculations, dated April 13, 2022 prepared by surveyor Bruce Bradford. The application packet also included exterior photos of the property and neighboring properties. The Applicants submitted three letters of support.

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The Applicants' architect, Frank Drill, made the presentation to the Board on Applicants behalf. Mr. Drill explained that the proposal to replace an existing open second-floor front porch with enclosed living area will not extend beyond the existing footprint of the front porch. The Applicant stated that the addition will not be detrimental to the neighborhood since the addition will be constructed with materials that match the existing house and the design is consistent with second-floor enclosures of other houses in the neighborhood.

At the hearing, Danial Eldridge spoke in favor of the application, no member of the public 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 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 a motion duly made by Demetrios (Jim) Zarkadas and seconded by Nick Iannuzzi, the Board voted 5-0 to grant the two (2) Special Permits as requested.

For the Board,

Dated: March 31, 2023



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