



Town of Belmont  
Planning Board

## APPLICATION FOR A SPECIAL PERMIT

Date: 8/10/2020

Planning Board  
Homer Municipal Building  
19 Moore Street  
Belmont, MA 02478

To Whom It May Concern:

Pursuant to the provisions of Massachusetts General Laws, Chapter 40A, Section 9, as amended, and the Zoning By-Law of the Town of Belmont, I/we the undersigned, being the owner(s) of a certain parcel of land (with the buildings thereon) situated on 40 WALNUT Street/Road, hereby apply to your Board for a **SPECIAL PERMIT** for the erection or alteration on said premises or the use thereof under the applicable Section of the Zoning By-Law of said Town for \_\_\_\_\_

The RAZING OF THE EXISTING STRUCTURE AND TO  
BUILD A SINGLE BUILDING HOUSING TWO (2) CONDOMINIUMS

on the ground that the same will be in harmony with the general purpose and intent of said Zoning By-Law.

Signature of Petitioner

Print Name

John W. O'Donoghue

Address

44 CRESCENT AVE

SCITUATE, MA 02066

Daytime Telephone Number

978-697-5300



OFFICE OF COMMUNITY DEVELOPMENT  
TOWN OF BELMONT  
19 Moore Street  
Homer Municipal Building  
Belmont, Massachusetts 02478-0900

Telephone: (617) 993-2650 Fax: (617) 993-2651

Building Division  
(617) 993-2664  
Engineering Division  
(617) 993-2665  
Planning Division  
(617) 993-2666

May 19, 2020

Mr. John O'Donoghue, Jr.  
44 Crescent Avenue  
Scituate, MA 02066

RE: Denial to Construct Two-Family Home at 40 Walnut Street

Dear Mr. O'Donoghue:

The Office of Community Development is in receipt of your building permit application for the construction of two-family home located at 40 Walnut Street in a General Residence (GR) Zoning District.

Your application has been denied since it does not comply with the Zoning By-law. More specifically, your project requires the following relief from the Zoning By-Law:

1. Section 3.3 requires a Special Permit for a two-family in a GR District.
2. Section 4.2.1 2) allows a minimum 50.0' lot frontage by Special Permit.
3. Section 4.2.2 requires the front setback to be the average of the abutting properties on either side of the subject property. In this case, the front setback is required to be 18.3'. However, the proposed setback is 14.0' and therefore requires a Variance.
4. Section 6D requires Design and Site Plan Review for the two-family dwelling.

Additionally, Section 4.2.1 allows maximum of 30% lot coverage. While the submitted plot plan indicates it meets the lot coverage requirement, it does not take into account the 2 rear porches as shown on the submitted building plans. As a result, a new plot plan needs to be submitted with the rear porches indicated on it.

You may alter your plans to conform to the Zoning By-Law and resubmit for a building permit or you may request two Special Permits and Design and Site Plan Review from the Planning Board and at least one Variance (a second depending on the revised lot coverage) from the Zoning Board of Appeals. If you choose to pursue this project, please call the Office of Community Development at (617)-993-2666 to schedule an appointment with Ara Yogurtian to begin the Variance process and Jeffrey Wheeler to begin the Special Permit process.

Sincerely,

Glenn R. Clancy, P.E.  
Inspector of Buildings

**Siesta Realty Trust**  
**44 Crescent Ave.**  
**Scituate, MA 02066**

June 27, 2020

Belmont, MA 02478

Dear Neighbors,

I own the property located at 40 Walnut St. in Belmont which is an older 2 family house. I am currently working with the Office of Community Development / Planning Board, seeking a Special Permit to raze the property and replace it with two high end condominiums. I am writing to you as your house lies in the 300 foot radius surrounding 40 Walnut St. As such you will be receiving a notice from the Town of a proposed Hearing that will be held at a later date.

I wanted to let you know of my intentions prior to said Hearing so that I could answer any questions that may come to mind or allay any concerns that may arise. To that end I have enclosed a couple of pictures of the current structure in place as well as the Architects' rendering of the proposed replacement.

Each unit will contain three bedrooms and three full baths and each unit will consist of two full floors and a bonus room in the attic. It is my intention to have a small one car garage for each unit located in the rear of the property.

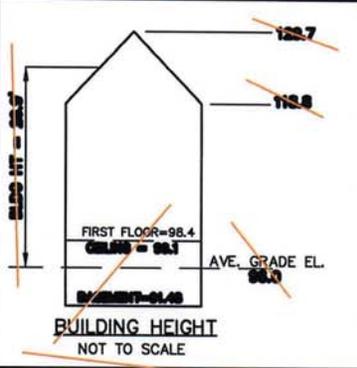
Please review the enclosed items and feel free to call me with any questions. I can be reached by cellphone at 413-345-3022 or by email at [jod@odinsurance.com](mailto:jod@odinsurance.com).

Thank you very much for your time.

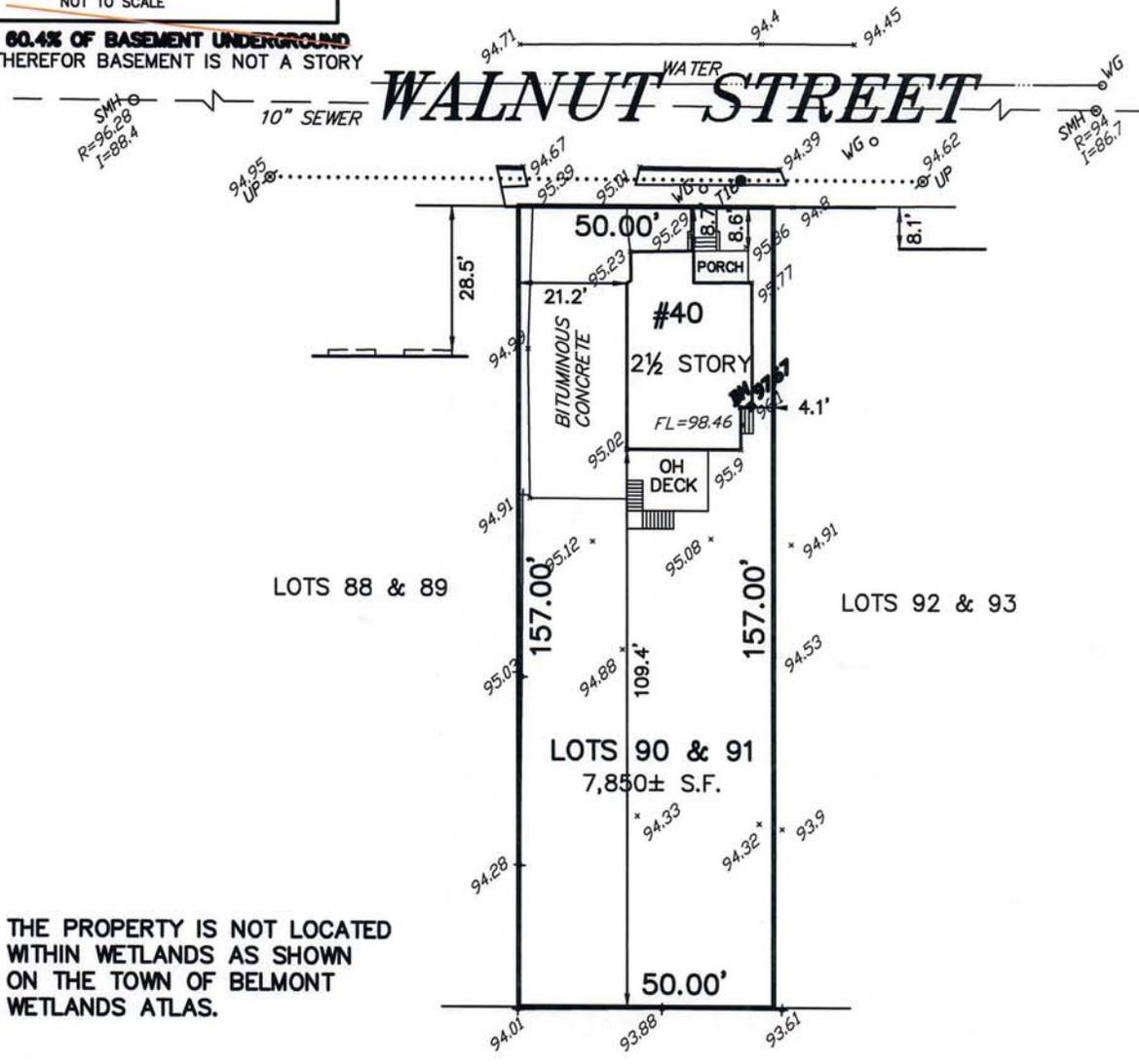
Sincerely,

John W. O'Donoghue, Jr.

enclosure



**60.4% OF BASEMENT UNDERGROUND  
THEREFOR BASEMENT IS NOT A STORY**



THE PROPERTY IS NOT LOCATED  
WITHIN WETLANDS AS SHOWN  
ON THE TOWN OF BELMONT  
WETLANDS ATLAS.

ZONING DISTRICT:	GR (GENERAL RESIDENCE)	REQ. EXISTING	PROP.
FRONT SETBACK:	14.0'	8.6'	-
SIDE SETBACK:	10'	4.1'	-
REAR SETBACK:	31.4'	109.4'	-
MAXIMUM LOT COVERAGE:	30%	14.5%	-
MINIMUM OPEN SPACE:	40%	71.9%	-
LOT FRONTAGE:		50.00'	-

TOTAL LOT AREA: 7,850± S.F.

OWNER: TRUSTEE OF THE SIESTA REALTY TRUST  
70250/165  
ASSESSORS MAP 14 - PARCEL 189

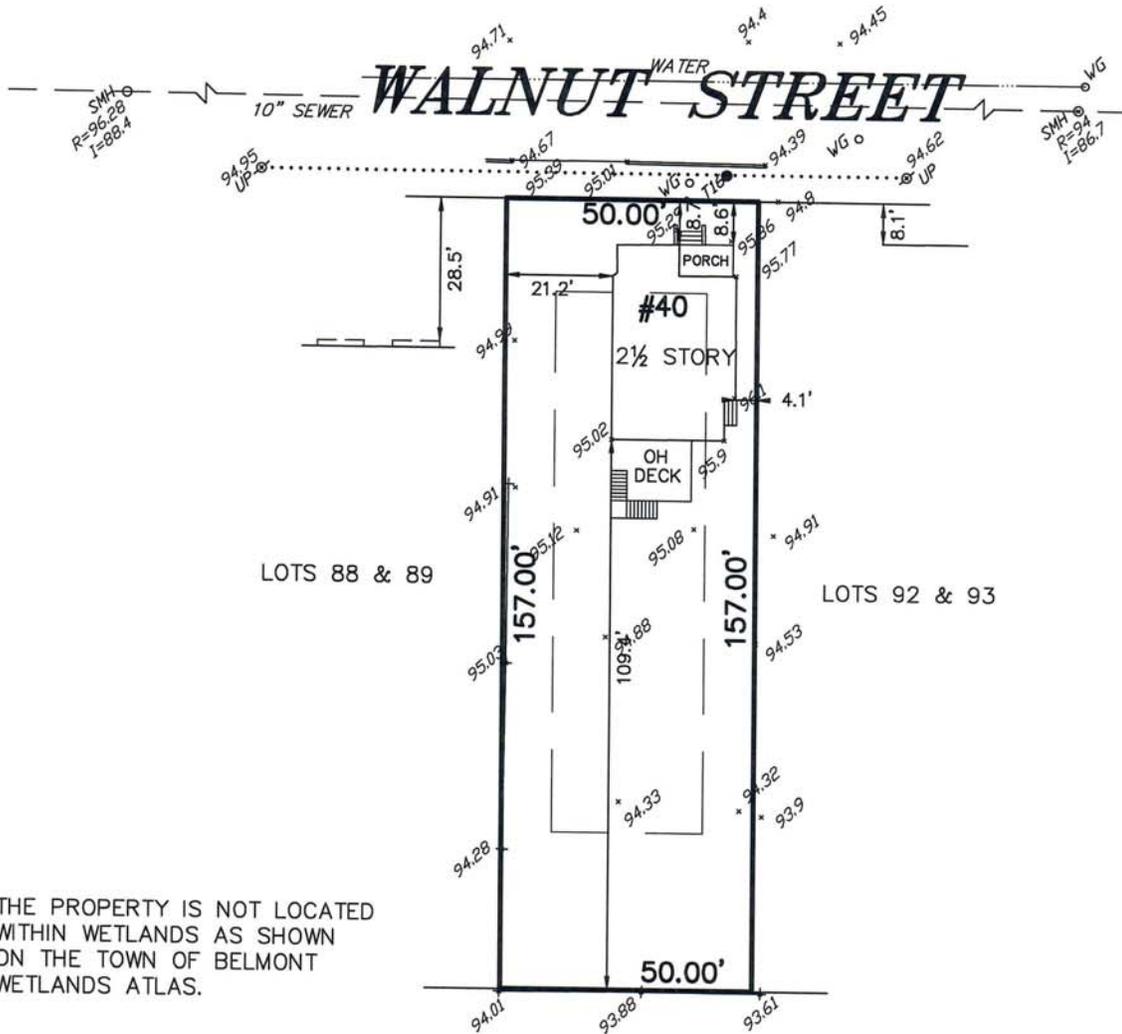
**PROPOSED PLOT PLAN  
#40 WALNUT STREET  
IN  
BELMONT, MA  
(MIDDLESEX COUNTY)**

SCALE: 1" = 30'      DATE: 7/29/2019



**ROBER SURVEY**  
1072 MASSACHUSETTS AVENUE  
ARLINGTON, MA 02476  
(781) 648-5533  
DWG. NO. 5912PP1.DWG

CLIFFORD E. ROBER, PLS      DATE



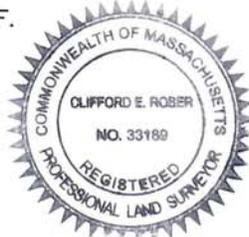
THE PROPERTY IS NOT LOCATED  
WITHIN WETLANDS AS SHOWN  
ON THE TOWN OF BELMONT  
WETLANDS ATLAS.

ZONING DISTRICT:	GR (GENERAL RESIDENCE)
FRONT SETBACK:	REQ. 18.3' EXISTING 8.6'
SIDE SETBACK:	10' 4.1'
REAR SETBACK:	31.4' 109.4'
MAXIMUM LOT COVERAGE:	30% 14.5%
MINIMUM OPEN SPACE:	40% 71.9%
LOT FRONTAGE:	50.00'

TOTAL LOT AREA: 7,850± S.F.

**LOTS 90 & 91**  
7,850± S.F.

**OWNER: TRUSTEE OF THE SIESTA REALTY TRUST**  
**70250/165**  
ASSESSORS MAP 14 - PARCEL 189



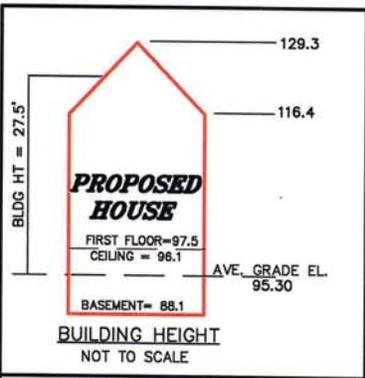
**CERTIFIED PLOT PLAN**  
**#40 WALNUT STREET**  
IN  
**BELMONT, MA**  
(MIDDLESEX COUNTY)

SCALE: 1" = 30'      DATE: 7/29/2020

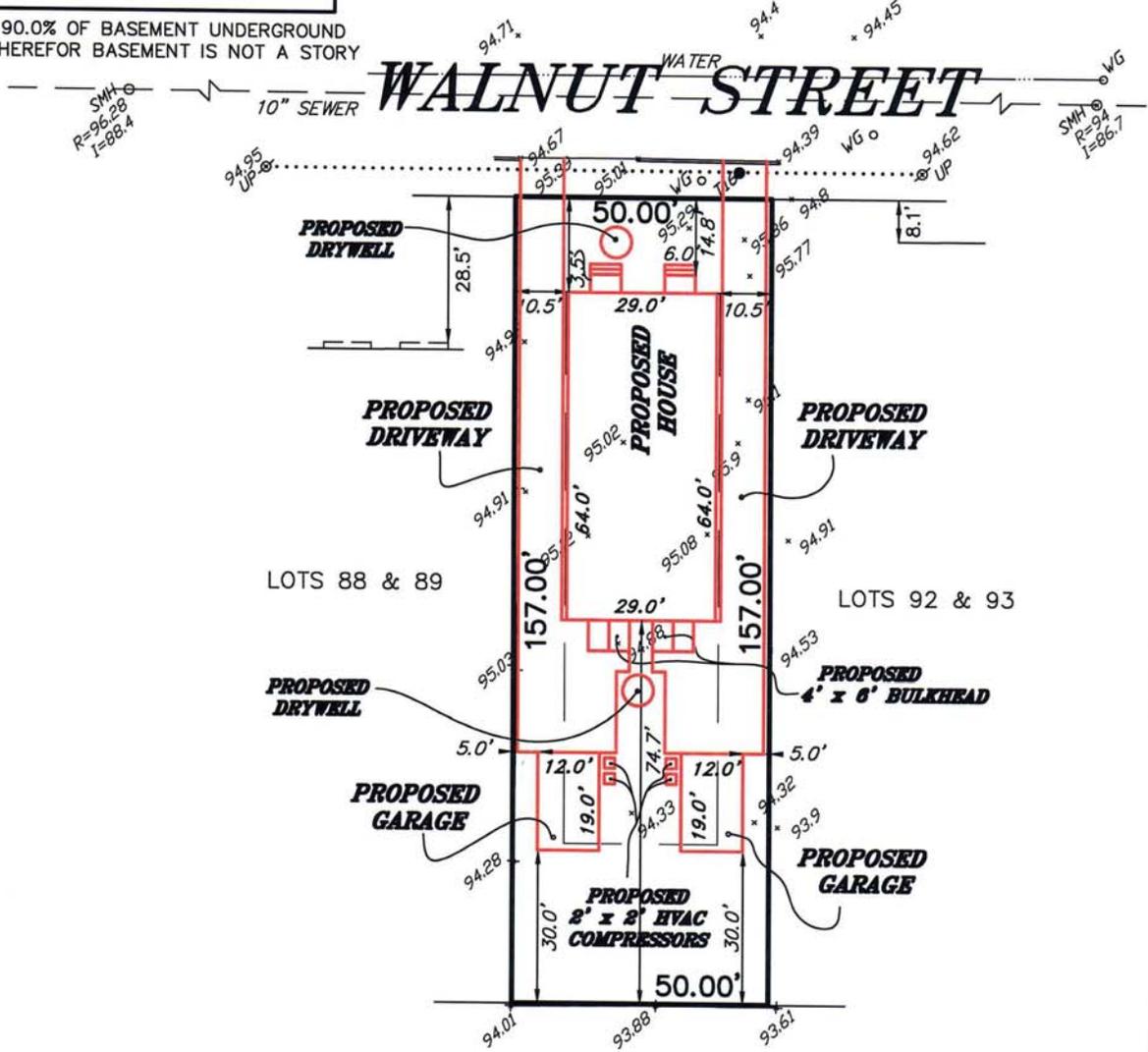


**ROBER SURVEY**  
1072 MASSACHUSETTS AVENUE  
ARLINGTON, MA 02476  
(781) 648-5533  
DWG. NO. 5912CP1.DWG

*Clifford E. Rober* 7/29/20  
**CLIFFORD E. ROBER, PLS**      **DATE**



90.0% OF BASEMENT UNDERGROUND  
THEREFOR BASEMENT IS NOT A STORY



ZONING DISTRICT: GR (GENERAL RESIDENCE)

	REQ.	EXISTING	PROP.
FRONT SETBACK:	18.3'	8.6'	18.3'
SIDE SETBACK:	10'	4.1'	10.5'
REAR SETBACK:	31.4'	109.4'	74.7'
MAXIMUM LOT COVERAGE:	30%	14.5%	30.0%
MINIMUM OPEN SPACE:	40%	71.9%	40.3%
LOT FRONTAGE:		50.00'	

TOTAL LOT AREA: 7,850± S.F.

LOTS 90 & 91  
7,850± S.F.  
OWNER: TRUSTEE OF THE SIESTA REALTY TRUST  
70250/165  
ASSESSORS MAP 14 - PARCEL 189



*[Signature]*  
CLIFFORD E. ROBER, PLS      7/29/2019      DATE

**PROPOSED PLOT PLAN  
#40 WALNUT STREET  
IN  
BELMONT, MA  
(MIDDLESEX COUNTY)**

SCALE: 1" = 30'      DATE: 7/29/2019

**ROBER SURVEY**  
1072 MASSACHUSETTS AVENUE  
ARLINGTON, MA 02476  
(781) 648-5533  
DWG. NO. 5912PP5.DWG

# Zoning Compliance Check List

**Properties Located within the GR Zoning Districts**  
(To be Completed by a Registered Land Surveyor)



Property Address: 40 WALNUT ST

Surveyor Signature and Stamp: *[Signature]*

Date: 7/27/2014

## Per §4.2 of the Zoning By-Laws

		REQUIRED	EXISTING	PROPOSED
Lot Area (sq. ft.)		5000	7850	—
Lot Frontage (feet)		50	50.00	—
Lot Area/Unit (sq. ft./d.u.)		3500	3925	3925
Lot Coverage (% of lot)		30%	14.5%	30.0%
Open Space (% of lot)		40%	71.9%	40.3%
Setbacks: (feet)	➤ Front	18.3	8.6'	18.3'
	➤ Front Door (25%)			✓
	➤ Side/Side	10'   10'	4.1	10.5   10.5
	➤ Rear	20'	109.4	79.0
Building Height:	➤ Feet	33'		27.5
	➤ Stories	2 1/2	2 1/2	2 1/2
1/2 Story (feet) (Per §1.4)	➤ Perimeter (50%)			
	➤ Area (60%)			
	➤ Length (75%)			

## Per §6D of the Zoning By-Laws

HVAC:	Prohibited in Front Yard and Side and Rear Setbacks	
Front Doors:	Both Must Face Street	
	<b>STANDARD</b>	<b>PROPOSED</b>
Curb Cut (One per 70' Frontage)		

**SUBMIT CALCULATIONS** for all of the requirements listed above on a separate piece of paper(s) to verify how they were calculated

60 Hill St



24-26 W ALBERT ST

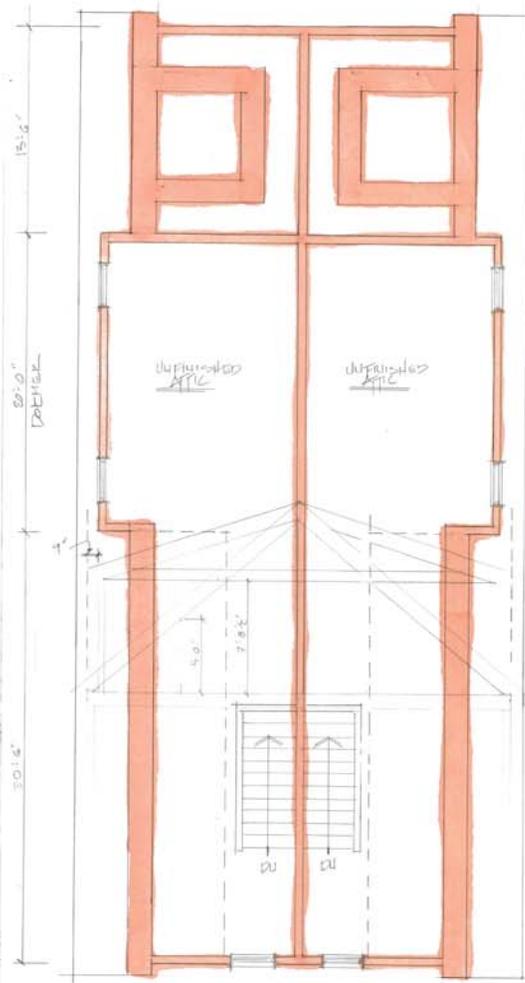




DISTANCE BETWEEN  
HOWALNUT ST & 38 WALNUT ST



42-44 WALNUT ST



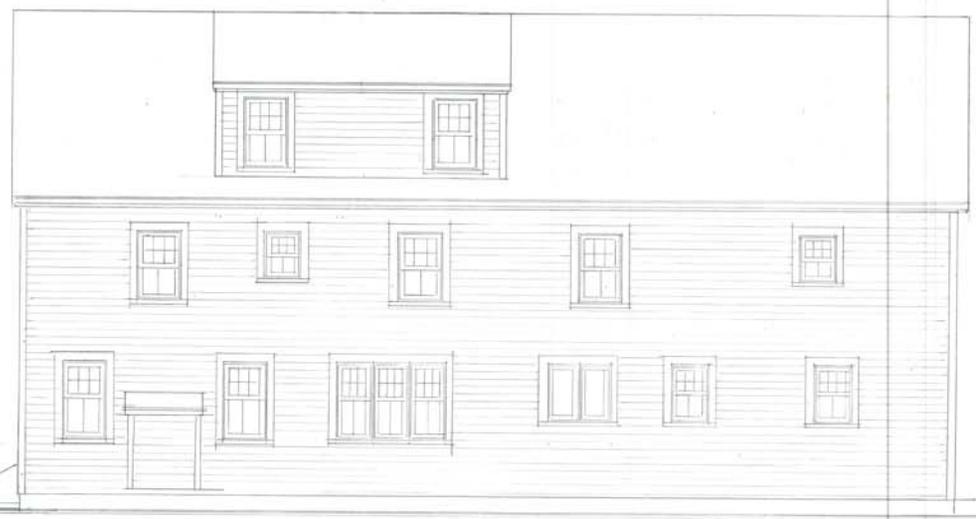
① THIRD FLOOR PLAN  
SCALE: 1/8" = 1'-0"



② FRONT ELEVATION  
SCALE: 1/8" = 1'-0"



③ REAR ELEVATION  
SCALE: 1/8" = 1'-0"



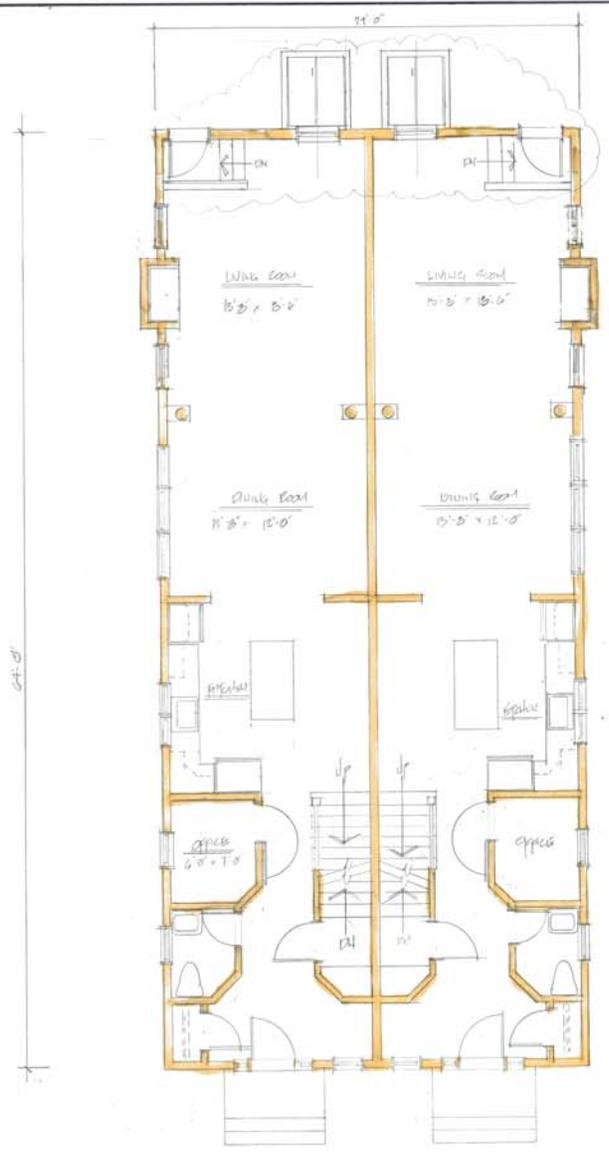
④ SIDE ELEVATION  
SCALE: 1/8" = 1'-0"

APPROXIMATELY 2000  
3 AGES TO BATHROOM  
1 SINK FOR BATHROOM  
1 SINK FOR BATHROOM  
1 SINK FOR BATHROOM  
1 SINK FOR BATHROOM

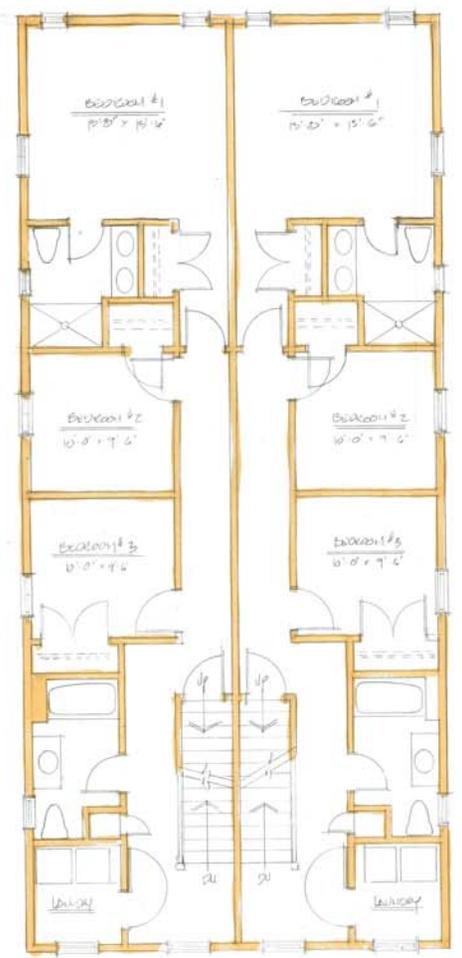
PROPOSED BASE & RECONSTRUCTION  
40 WALL ST  
BELLVIEW, IL

Kuendig  
Design

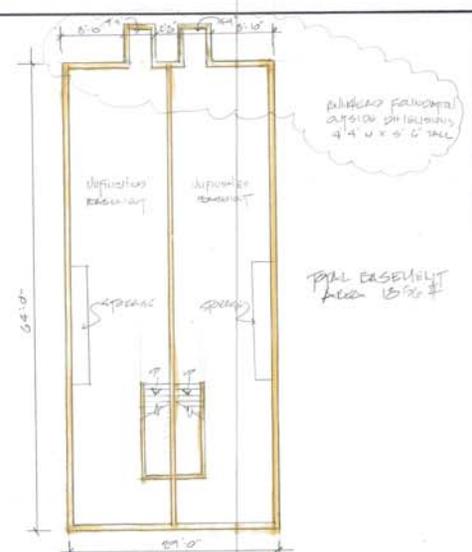
A 2



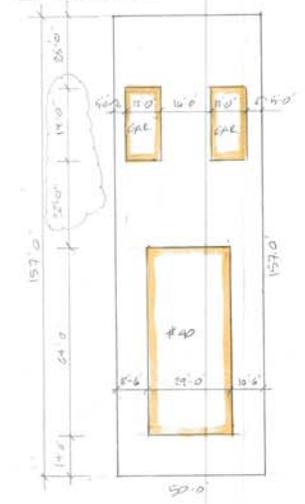
① FIRST FLOOR PLAN  
scale 1/8" = 1'-0"



② SECOND FLOOR PLAN  
scale 1/8" = 1'-0"



③ BASEMENT PLAN  
scale 1/8" = 1'-0"



④ SITE PLAN  
scale 1" = 20'

BRICKS FOUND OUTSIDE PERIMETER 4' x 4' x 6" WALL

PAV. BASEMENT AREA 15' x 12' 6"

TO FINISHING TO BE DONE & REFER TO CONTRACT 1. SHOW TO FLOOR PLAN 2. SHOW TO CONTRACT

PROPOSED AREA = RECONSTRUCTION:  
40 WALNUT ST  
BIRMINGHAM, ALA

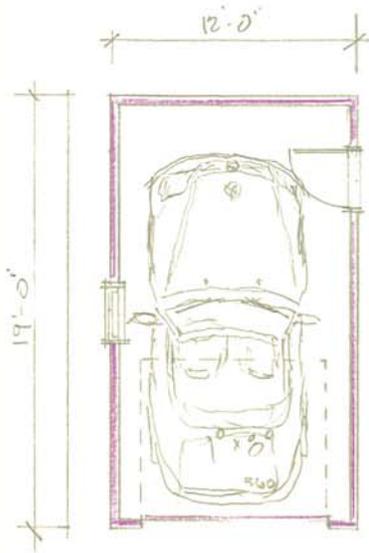
Kuendig Design

A1

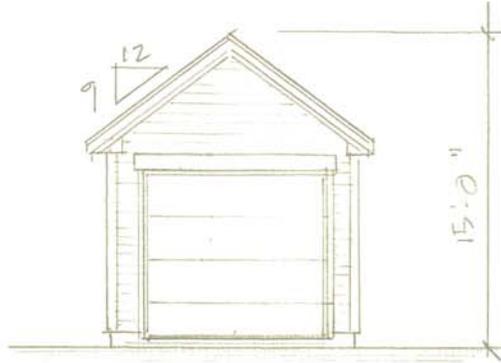
14 JULY 2020

# Kuendig Design

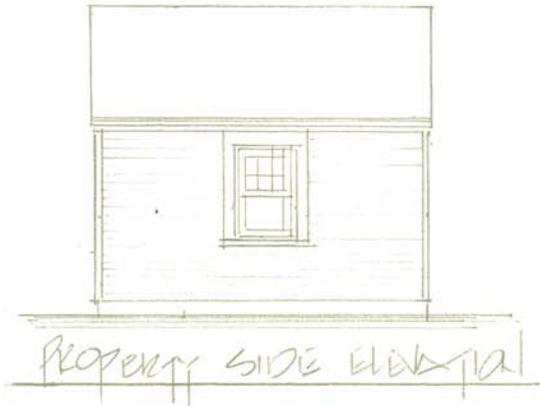
GARAGE PLAN:  
40 WALNUT ST.  
BELMONT, MA



FLOOR PLAN



FRONT ELEVATION



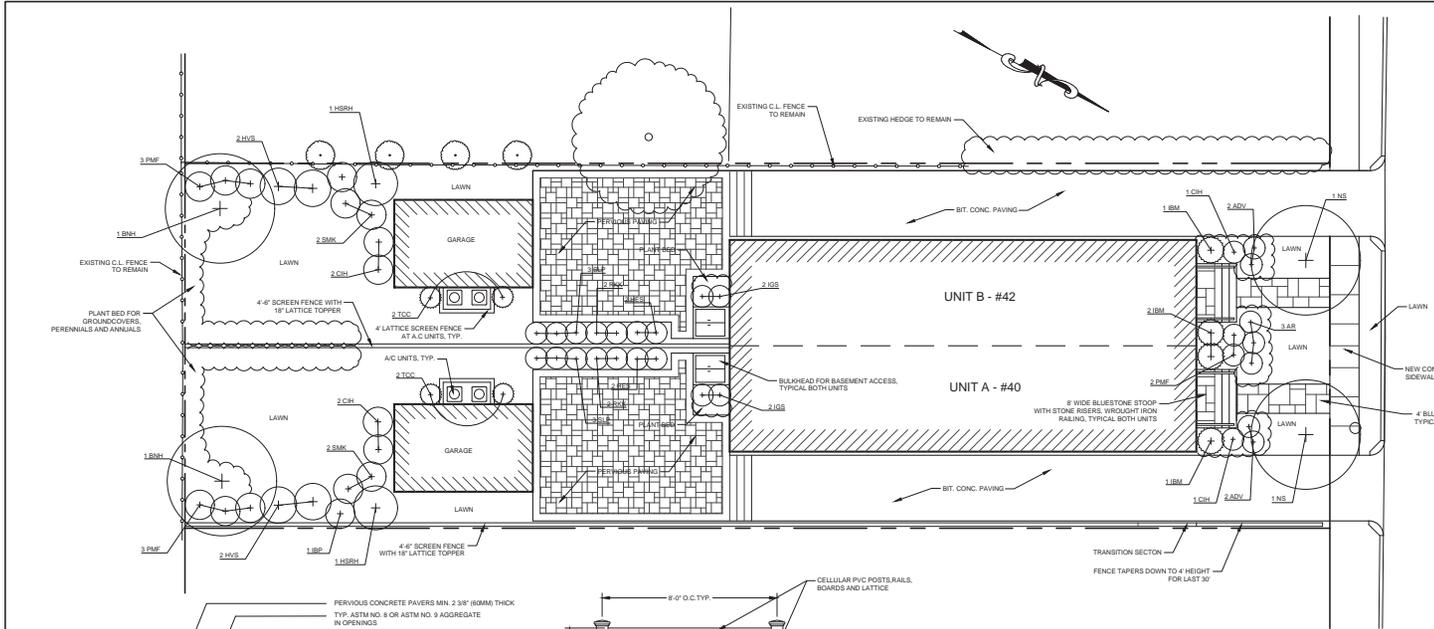
PROPERTY SIDE ELEVATION



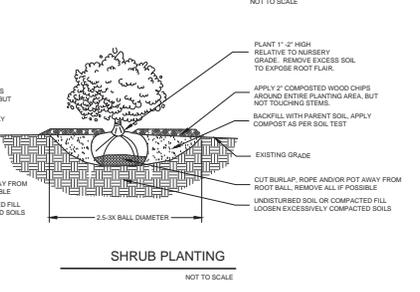
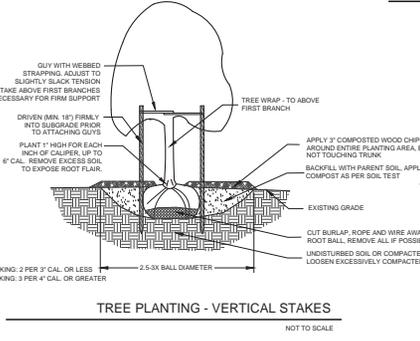
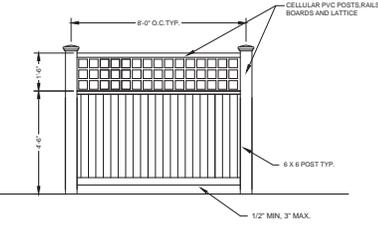
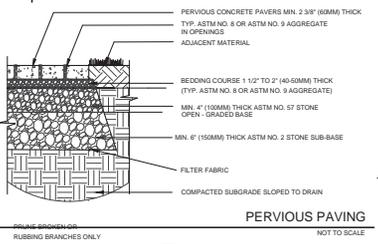
REAR ELEVATION



SIDE ELEVATION



- EXISTING CONDITIONS AND SITE PREPARATION NOTES**
- EXISTING CONDITIONS ARE TAKEN FROM PLANS PREPARED BY ROBER SURVEY, ARLINGTON, MA. CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL EXISTING CONDITIONS AS THEY MAY AFFECT THE WORK.
  - REVIEW EXTENT OF DEMOLITION AND REMOVAL WITH ARCHITECT BEFORE COMMENCING SITE OPERATIONS.
  - REPORT DISCREPANCIES BETWEEN ACTUAL FIELD CONDITIONS AND THE DRAWINGS IMMEDIATELY TO THE LANDSCAPE ARCHITECT FOR RESOLUTION. DO NOT PROCEED WITH SITE REPAIRATION IN AREAS OF DISCREPANCY UNTIL WRITTEN RESOLUTION IS OBTAINED.
  - DO NOT SCALE DRAWINGS. IF DIMENSION OR EXTENT OF WORK IS UNCLEAR, OBTAIN CLARIFICATION FROM LANDSCAPE ARCHITECT BEFORE PROCEEDING WITH CONSTRUCTION.
  - INSTALL REQUIRED EROSION CONTROL AND TREE PROTECTION BEFORE COMMENCING SITE OPERATIONS.
  - PROTECT ALL AREAS AND ELEMENTS WITHIN LIMITS OF WORK SCHEDULED TO REMAIN FROM DAMAGE FROM CONSTRUCTION OPERATIONS. RESTORE ANY AREAS DAMAGED BY CONSTRUCTION OPERATION TO PREVIOUSLY EXISTING CONDITION AT NO ADDITIONAL COST TO OWNER.



- PLANTING NOTES:**
- ALL PLANT MATERIALS SHALL BE FINEST QUALITY STOCK GROWN IN THE NORTHEAST. LANDSCAPE ARCHITECT RESERVES THE RIGHT TO SELECT AND APPROVE PLANTING MATERIALS AT THE NURSERY OR SOURCE OF SUPPLY.
  - ALL PLANT MATERIAL AND METHODS OF INSTALLATION SHALL CONFORM TO THE AMERICAN ASSOCIATION OF NURSERYMEN, AMERICAN STANDARD FOR NURSERY STOCK, LATEST EDITION.
  - PROVIDE ONE YEAR WARRANTY ON ALL PLANT MATERIALS.
  - ALL PLANTS NOT OTHERWISE DESIGNATED ARE TO BE DELIVERED BAB (BALLED AND BURLAPPED). NO BARE ROOT OR FIELD CLUMP MATERIAL IS ALLOWED (EXCEPT BULBS AND DAYLILIES, WHERE SPECIFIED).
  - STAKE TREES AND LAYOUT SHRUB MATERIAL IN APPROXIMATE LOCATIONS AND OBTAIN APPROVAL OF LANDSCAPE ARCHITECT BEFORE PLANTING. LANDSCAPE ARCHITECT WILL LAYOUT PERENNIALS.
  - REPORT ANY UNSATISFACTORY CONDITIONS FOR PLANTING IMMEDIATELY TO THE OWNER FOR RESOLUTION. CONTRACTOR SHALL RECEIVE NO ADDITIONAL COMPENSATION FOR UNSATISFACTORY CONDITIONS REPORTED AFTER THE FACT OR AFTER COMPLETION OF PLANTING.
  - ALL AREAS DISTURBED BY CONSTRUCTION AND PLANTING OPERATIONS TO BE REPAIRED OR RESTORED TO PREVIOUSLY EXISTING CONDITIONS AT NO ADDITIONAL COST TO THE OWNER.
  - TOPSOIL: NATURAL, FRIABLE, FERTILE SOIL CHARACTERISTIC OF PRODUCTIVE SOIL IN THE VICINITY, REASONABLY FREE OF STONES GREATER THAN 1/2" IN SIZE, CLAY LUMPS, ROOTS, AND OTHER FOREIGN MATTER. TOPSOIL SHALL BE LOAMY SAND OR SANDY LOAM AS CLASSIFIED ACCORDING TO THE US SOIL CONSERVATION SERVICE UNIFORM SOILS CLASSIFICATION.
  - PLANTING SOIL MIXTURE: 3 PARTS TOPSOIL TO 1 PART ORGANIC COMPOST.
  - ALL PLANTING BEDS TO RECEIVE 12" OF PLANTING MIX.
  - LOOSEN AND/OR DE-COMPACT SUBGRADE TO A DEPTH OF 8" PRIOR TO SPREADING TOPSOIL.
  - IN CASE OF DISCREPANCY BETWEEN PLAN AND PLANT LIST, LANDSCAPE ARCHITECT SHALL DECIDE WHICH QUANTITY SHALL GOVERN, AT NO ADDITIONAL COST TO THE OWNER.
  - NO MATERIALS MAY BE SUBSTITUTED WITHOUT APPROVAL OF LANDSCAPE ARCHITECT PRIOR TO DELIVERY.
  - ALL PLANTED AND LAWN AREAS TO BE IRRIGATED. SHRUB AREAS AND PLANTING BEDS TO BE DRIP IRRIGATION. LAWN AREAS TO BE LOW VOLUME SPRAYS. PROVIDE COMPLETE DESIGN PLAN FOR APPROVAL BY LANDSCAPE ARCHITECT PRIOR TO BEGINNING CONSTRUCTION.
  - ALL LAWN AREAS TO BE SOODED WITH A HIGH TRAFFIC, SUNSHADE BLEND OF BLUEGRASS, FESCUE AND PERENNIAL RYE.

PLANT LIST				
SYMB.	QNTY.	SCIENTIFIC NAME	COMMON NAME	SIZE
BNH	2	BETULA NIGRA HERITAGE MULTI	HERITAGE RIVER BIRCH, MULTI-STEM	12'-14"
NS*	1	NYSSA SYLVATICA	BLACK TURPELO	2.5' CAL.
ADV	4	AZALEA DELAWARE VALLEY WHITE	WHITE COMPACT AZALEA	24"-30"
HQSD	3	AZALEA ROSEBUD*	DEEP PINK COMPACT AZALEA	24"-30"
CH	6	CORNUS ALBA IVORY HALO*	VAREGATED RED-TWIG DOGWOOD	5 GAL.
HSRH	2	HISCUS SYRACUS REDHEART	WHITE-RED ROSE-OF-SHARON	4'-5' HGT.
HES	4	HYDRANGEA ENDLESS SUMMER	PINK/BLUE REBLOOMING HYDRANGEA	5 GAL.
HVS	4	HYDRANGEA PG VANILLA STRAWBERRY	PINK/WHITE PG HYDRANGEA	7 GAL.
IBM	4	ILEX X BLUE MAID	BLUE MAID HOLLY	3'-4"
IBP	2	ILEX X BLUE PRINCE	BLUE PRINCE MALE HOLLY	30-36"
IGS	4	ILEX GLABRA SHAMROCK*	SHAMROCK INKERRY HOLLY	30-36"
PMF	9	PIERIS MOUNTAIN FIRE*	MOUNTAIN FIRE ANDROMEDA	30'-36"
RKK*	4	ROSA RANBOUTIN KNOCKOUT	MULTI COLOR COMPACT ROSE	3 GAL.
SLP	6	SPIREA LITTLE PRINCESS	LITTLE PRINCESS SPIREA	3 GAL.
SMK	4	SYRINGA PATULA MISS KIM	MISS KIM LILAC	5 GAL.

FOR SITE PLAN APPROVAL



COPYRIGHT © 2020  
LEONARD DESIGN ASSOCIATES  
01904-MA-USA  
IN A VOUCHER OF LAST RESORT, THE DESIGNER SHALL BE RESPONSIBLE FOR THE PROVISIONS OF THE MASSACHUSETTS LANDSCAPE ARCHITECTURE ACT, CHAPTER 264B, SECTION 10B, WHICH PROVIDES THAT ANY DESIGNER WHO ALLEGES THE EXISTENCE OF A DESIGN DEFECT IN ANY WORK SHALL BE SUBJECT TO THE DISCIPLINARY AND REMEDIAL PROVISIONS OF THE ACT.

**40 WALNUT STREET**  
Belmont, Massachusetts

Proposed Landscape Plan

1/8" = 1'-0" 09/24/2020

Leonard  
Design  
Associates

Site Planning/  
Landscape Architecture  
p (781) 641-0750  
leonarddesign@rcn.com

**L.1**



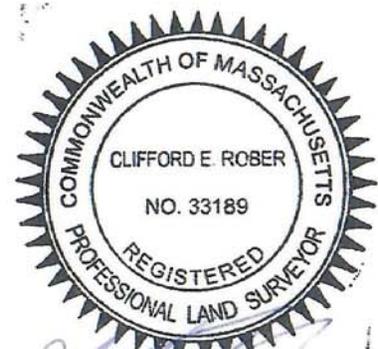
40 WALNUT ST



40 WALNUT ST  
REAR

Segment	Ceiling Elevation	Elevation From	Elevation To	Length	Ceiling Height	Square Footage	Exposed Square Footage	% Covered
A	96.1	95.23	95.77	64.00	8	512.00	38.40	92.50%
B	96.1	95.12	95.23	29.00	8	232.00	26.82	88.44%
C	96.1	95.08	95.12	64.00	8	512.00	64.00	87.50%
D	96.1	95.77	95.08	29.00	8	232.00	19.57	91.56%
	96.1			186.00	8	1488.00	148.80	90.00%

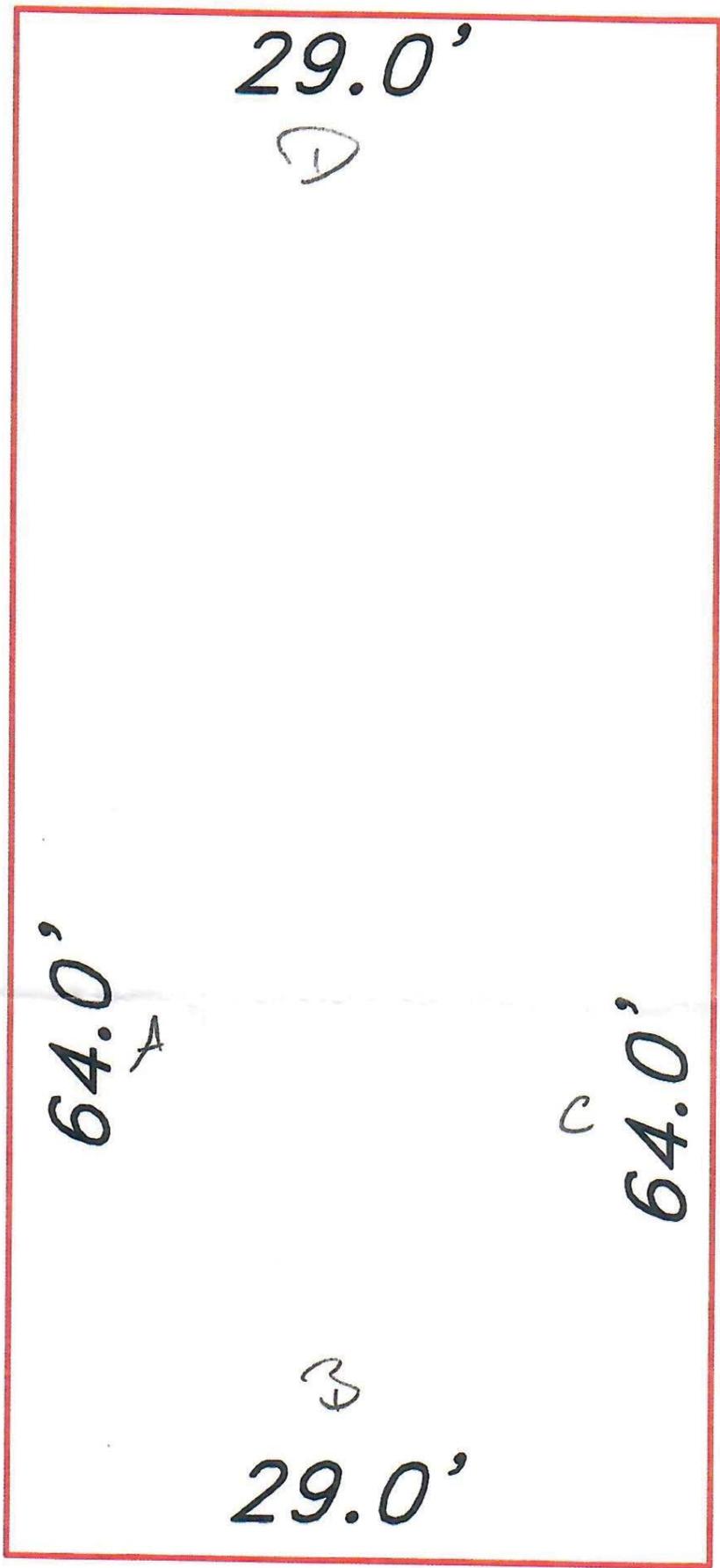
Ceiling Height:	8	<- enter
Basement Floor Elevation	88.1	<- enter
Ceiling Elevation	96.1	
Perimeter Total Length	186.00	
Total Perimeter Square Foot	1488.00	
Exposed Square Footage	148.80	
% Covered	90.00%	<- result



*Clifford E. Rober*  
8/11/20

95.23

95.77



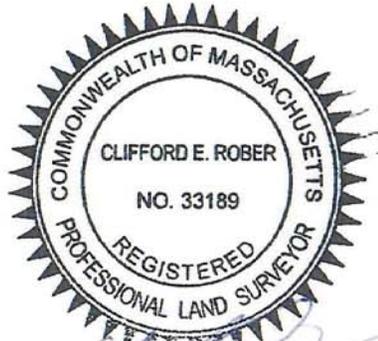
95.12

95.08

Segment	Segment From Existing Grade	Segment From New Grade	Segment To		Segment Length	Avg		Difference
			Existing Grade	Segment To New Grade		Existing	Avg New	
A	95.23	95.23	95.12	95.12	64	6091.2	6091.2	0.00
B	95.12	95.12	95.08	95.08	29	2757.9	2757.9	0.00
C	95.08	95.08	95.77	95.77	64	6107.2	6107.2	0.00
D	95.77	95.77	95.23	95.23	29	2769.5	2769.5	0.00
					186	17725.8	17725.8	0

Ceiling Height:	8
Basement Floor Elevation	88.1
Ceiling Elevation	96.1
Perimeter Total Length	186.00
Total Perimeter Square Foot	1488.00
Average Existing Grade	95.30
New Average Grade	95.30
Difference in Grade in feet	0.00

% Covered using Avg Grade 90.00%



*Clifford E. Rober*  
8/11/20