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TOWN OF BELMONT
PLANNING BOARD

CASE NO. 22-05

APPLICANTS: Kunal and Bhavika Shah

PROPERTY: 168 Dean Street

DATE OF PUBLIC HEARING: March 15, 2022
Continued April 19, 2022

MEMBERS SITTING/VOTING: Steve Pinkerton, Chairman
Matt Lowrie
Thayer Donham
Karl Haglund
Ed Starzec
Renee Guo (Alternate)

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, Kunal and Bhavika Shah (“Applicants”), requested one (1) Special Permit¹ under Section 1.5.4 C (2) of the By-Law to alter a nonconforming structure. The proposal is located at 168 Dean Street located in the Single Residence C Zoning District (SR-C).

Section 1.5.4 C (2) of the By-Law allows additions in the SR-C zoning district that exceed 30% of the existing Gross Floor Area by a Special Permit granted by the Planning Board.

The one (1) requested Special Permit is as follows:

- 1) The proposed increase of Gross Floor Area (76.81%) of the expansion exceeds 30% and is allowed by a Special Permit granted by the Planning Board.

Proposal

The Applicants proposed to construct a second floor and detached garage. The existing dwelling has a Total Living Area (TLA) of 1,096 sq. ft., and the proposed addition after expansion is completed is proposed at 2,117 sq. ft.

Submissions to the Board

1. February 15, 2022 Application

¹ The applicants initially requested two (2) special permits but they modified their plans prior to the continued April 19, 2022 public hearing to bring the proposed second floor out of the pre-existing setback.

- a. Application for Special Permits;
 - b. Copy of the Original Denial Letter;
 - c. Narrative;
 - d. Existing and Proposed Plot Plans;
 - e. Zoning Compliance Check List;
 - f. Neighborhood Support Signature;
 - g. Floor Plans;
 - h. Architectural Plans;
 - i. Neighborhoods Photos;
 - j. Existing Landscape;
 - k. Proposed Building Height.
2. Additional Information
 - a. Final Construction Set;
 - b. Neighborhood Petition;
 - c. Exterior Drawings of the Proposed Detached Garage.
3. Revisions
 - a. Revised Plans, dated April 12, 2022.
4. Staff Correspondence & Comments
 - a. Planning Staff Neighborhood Analysis.

Public Hearing

The Board held a duly advertised public hearing conducted via ZOOM videoconference (in connection with current restrictions regarding social distancing in connection with COVID-19) on March 15, 2022 and the public hearing was continued to April 19, 2022 and the public hearing was closed at the same continued public hearing. No comments were received from the public at the public hearing.

Deliberation and Decision

After the close of the public hearing, the Planning Board deliberated on the Applicants' request for one (1) Special Permit under Section 1.5.4 C (2) of the By-Law to alter a nonconforming structure in order to increase the size of the structure by more than 30% of the existing Gross Floor Area. The Board agreed that the proposed expansion was appropriate for the neighborhood.

Mr. Starzec was present at the March 15th Planning Board meeting but he resigned from the Planning Board prior to the continued April 19, 2022 public hearing. Ms. Guo was elevated as a full member for voting purposes. The five (5) Board members voting on the case found that the proposed addition 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 substantially increase any of the existing nonconformities.

Accordingly, upon motion duly made and seconded, the Board voted 5-0 to grant the applicants' request for the Special Permit to construct the addition at 168 Dean Street subject to the following conditions.

Conditions:

1. This approval is based upon the plans presented at the April 19, 2022 Planning Board Meeting. No modifications may be made without the approval of the Board, or a determination in writing by a representative of the Board that the modification is so minor that the approval by the Board is not required.
2. Prior to any building permit being issued, this decision shall be recorded at the Middlesex South District Registry of Deeds or the Middlesex Registry District of the Land Court. Proof of recording shall be forwarded to the Zoning Enforcement Officer prior to the issuance of any building permit.

On Behalf of the Board,



Robert Hummel, Senior Planner

Dated: April 21, 2022

Anyone aggrieved by the issuance of this Special Permit Approval has the right to appeal pursuant to M.G.L. Ch. 40A, § 17 and shall file such appeal within 20 days after the date of filing this Decision with the Town Clerk.