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**TOWN OF BELMONT
PLANNING BOARD**

CASE NO: 22-06

APPLICANTS/OWNERS: Danielle Ward & Robert McAuley

PROPERTY: 261 Orchard Street

DATE OF PUBLIC HEARING: April 19, 2022
Continued June 7, 2022, June 21, 2022, and July 5, 2022

MEMBERS SITTING: Steve Pinkerton, Chairman
Matt Lowrie
Thayer Donham
Renee Guo
Karl Haglund¹
Jeffrey Birenbaum (Associate Member)²

MEMBERS VOTING: Steve Pinkerton, Chairman
Matt Lowrie
Thayer Donham
Renee Guo

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, Danielle Ward & Robert McAuley (“Applicants”), requested one (1) Special Permit under Section 1.5.4 C (3) of the By-Law to demolish and reconstruct a nonconforming structure. The proposal is located at 261 Orchard Street located in the Single Residence C Zoning District (SR-C).

Section 1.5.4 C (3) of the By-Law allows the reconstruction of a larger Single Family nonconforming structure that exceeds the original nonconforming structure’s Gross Floor Area, by Special Permit granted from the Planning Board.

Proposal

The Applicants proposed to reconstruct a new single-family dwelling. The existing dwelling has a total Gross Floor Area (GFA) of 1,456 sq. ft. and the proposed reconstructed single-family dwelling is measured at 3,635 sq. ft. The existing Total Living Area (TLA) is 1,456 sq. ft. and the TLA of the new dwelling after reconstruction is completed is measured at 2,440 sq. ft.

¹ Karl Haglund was present at the April 19, 2022 public hearing but he was absent for the July 5, 2022 continued public hearing.

² Jeffrey Bierenbaum joined the board as an associate member in late June and was presented at the continued July 5, 2022 public hearing but he was not eligible to vote on this Special Permit application.

Submissions to the Board

1. March 2, 2022 Application:
 - a. Application for Special Permits;
 - b. Copy of the Original Denial Letter;
 - c. Narrative;
 - d. Zoning Compliance Check List;
 - e. Plot Plan;
 - f. Half Story Calculations;
 - g. Neighborhood Support Letter;
 - h. Architectural and Floor Plans.
2. Revisions:
 - a. Revised Plans & Material, received March 23, 2022;
 - b. Revised Plans, received June 29, 2022;
 - c. Revised Material, received June 30, 2022.
3. Staff Correspondence & Comments:
 - a. Planning Staff Final Neighborhood Analysis, presented at July 5, 2022 Public Hearing.
4. Public Comments:
 - a. Ken Gray public comments, dated April 11, 2022;
 - b. 261 Orchard Street public comments, dated April 11, 2022;
 - c. Gail and Mark Stafford public comments, dated April 14, 2022;
 - d. Jeff and Miki Matrician public comments, dated April 15, 2022.
5. Continuation Requests:
 - a. June 13, 2022 Continuation Request by the applicant.

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 April 19, 2022 and the public hearing was continued to June 7, 2022, (No Deliberation), June 21, 2022 (No Deliberation), and July 5, 2022. The public hearing was closed at the July 5, 2022 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 (3) of the By-Law to reconstruct a larger nonconforming structure that exceeds the original nonconforming structure's Gross Floor Area, by Special Permit. The Board agreed that the proposed reconstruction was appropriate for the neighborhood.

The four (4) Board members voting on the case found that the proposed reconstruction will not be substantially more detrimental to the neighborhood and that it will be in keeping with the

character of the neighborhood. The reconstruction will not substantially increase any of the existing nonconformities.

Accordingly, upon motion duly made and seconded, the Board voted 4-0 to grant the applicants' request for the Special Permit to reconstruct a single family dwelling at 261 Orchard Street subject to the following conditions.

Conditions:

1. This approval is based upon the revised plans presented at the July 5, 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: July 6, 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.