

**TOWN OF BELMONT
PLANNING BOARD**

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CASE NO. 24-03

APPLICANTS/OWNERS: Jeffrey Kerner

PROPERTY: 36 Tobey Road

DATE OF PUBLIC HEARING: January 16, 2024

MEMBERS SITTING: Jeff Birenbaum (Chairman)
Carol Berberian, (Vice Chair)
Thayer Dunham
Andrew Osborn
Taylor Yates (Associate Member)

VOTING MEMBERS: Jeff Birenbaum (Chairman)
Carol Berberian, (Vice Chair)
Thayer Dunham
Andrew Osborn
Taylor Yates (Associate Member)

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 Applicant, Jeffrey Kerner, owner, requests One Special Permit under section 1.5 of the By-Law to construct a two story addition at 36 Tobey Road located in a Single Residence C (SRC) zoning district. §1.5.4 C (2) of the Zoning By-Law allows alteration or structural change increases, that increase the Gross Floor Area of a non-conforming structure (minimum required lot area is 9,000SF, existing and proposed lot area is 6,192SF) more than thirty percent (30%) by a Special Permit granted by the Planning Board. The existing Gross Floor Area is 1,520 square feet and the proposed addition is 1,237 square feet or 81.4%. The expansion is allowed by a Special Permit Granted by the Planning Board.

Proposal

The Applicant, proposes to construct a two story rear and side additions. The proposed addition will have a crawl space below the grade, a play room, mudroom, half bath and a pantry on the first floor and a bedroom, 2 closets and a bathroom on the second floor. The plans submitted for this case were revised from the previous application to the Board of Appeals which was withdrawn. The new proposed addition on the first floor is 499SF and 529SF on the second. Total of 1028SF or 67% expansion.

Public Hearing

The Board held a duly noticed hearing on January 16, 2024
Submissions to the Board:

- a. Application for Special Permit dated December 1, 2023.
- b. Project Narrative prepared by Jeff Kerner and Lisa Zaval dated June 23, 2023.

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- c. Construction Documents, August 24, 2021
- d. Zoning Compliance Check List, dated November 28, 2023.
- e. Certified Plot Plan, dated November 28, 2023.
- f. Landscape Plans.
- g. 7 letters of support from neighbors.

The Board held duly noticed hearings conducted via ZOOM videoconference (in connection with current restrictions regarding social distancing in connection with COVID-19) on this case on January 16, 2024.

Mr. Richard Boccelli, project architect, made the presentation to the Board. He explained the proposed usages of the additions, that the existing house is small for the growing family and the proposed will allow family members to visit and stay as guests. Chair, Mr. Birenbaum, asked if this will be occupied by the homeowners, the response was yes.

Vice Chair Ms. Berberian presented the neighborhood analysis. She explained that the proposed Gross Floor Area is at 70% and is in harmony with buildings in the neighborhood. No other member had any questions or comments.

At the meeting six neighbors spoke in favor of the proposed project, no one spoke in opposition.

Deliberation and Decision

After the close of the public hearing, the Board deliberated on the Applicant's request for One Special Permit to construct an addition at 36 Tobey Road located in a Single Residence C (SRC) zoning district. The Board found that the proposed is in keeping with the character of other structures in the vicinity.

Accordingly, **upon motion duly made by Jeff Birenbaum and seconded by Carol Berberian. The Board voted 5-0 in favor to grant the Special Permit as requested. Motion passed.**

On Behalf of the Board

Date: February 12, 2024


Ara Yogurtian
Inspector of Building
Planning and Building Department