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TOWN OF BELMONT

TOWN CLERK
 BELMONT, MA

2017 MAY 26 PM 12:59

PLANNING BOARD

CASE NO.

17-03

APPLICANT:

Jeffrey and Erica Eckman

PROPERTY:

70 Fairview Avenue

65229-375

DATE OF PUBLIC HEARING:

April 13, 2017

**MEMBERS SITTING/
 VOTING:**

Elizabeth Allison, Chair
 Barbara Fiacco, Vice Chair
 Charles Clark
 Joseph DeStefano
 Raffi Manjikian, Associate Member

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, Jeffrey and Erica Eckman (Applicants), request two (2) Special Permits under Section 1.5 of the Zoning By-Law to alter a nonconforming structure and to maintain the nonconforming side setback (10.0' allowed, 4.5' existing and proposed) in order to construct a dormer on top of their home located at 70 Fairview Avenue in a General Residence Zoning District.

Proposal

The Applicants propose to construct a dormer on the rear of their home (the side opposite Fairview Avenue) in order to add a bathroom. The dormer does not meet the side setback requirement but is necessary for the family since there is no bathroom on this level of their unit. The Applicants and their family live in the second and third floor unit and need the additional bathroom for their growing family. The third floor currently contains two bedrooms but no bathroom; the only bathroom in the Applicants' unit is on the second floor and is quite small. The Applicants suggested that the dormer will not be substantially more detrimental to the neighborhood since it has been designed to blend with the surrounding area. The Applicants noted that other houses in the area have similarly designed dormers as well. While the existing home is nonconforming with respect to the side setback, the dormers will be constructed to meet all other dimensional regulations, especially the height and half story requirements. The dormers will also be finished to match the existing structure with similar windows and siding. The Applicant has shown the plans of the dormer to several of the neighbors who have not expressed any objections to it.

Public Hearing

The Board held a duly noticed public hearing on the application on April 13, 2017. No one spoke in opposition or support of the Applicants' requested Special Permits. The Applicants submitted a petition with their application signed by eleven neighbors in support of the project.

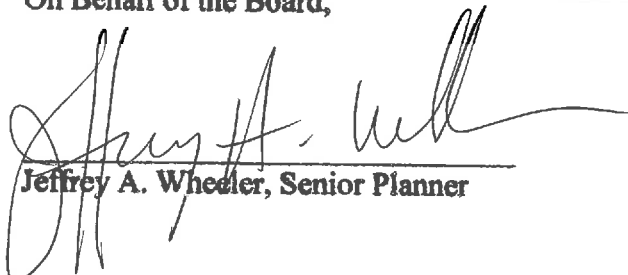
Deliberation and Decision

On April 13, 2017, the Board deliberated on the Applicants' request for two (2) Special Permits under Section 1.5 of the Zoning By-Law to alter a nonconforming structure and to maintain the nonconforming side setback (10.0' allowed, 4.5' existing and proposed) in order to construct a dormer on top of their home located at 70 Fairview Avenue in a General Residence Zoning District. The Board found that the proposed dormer will not be substantially more detrimental to the neighborhood and that it will be in keeping with the character of the neighborhood and/or home. But for the side setback, the dormer will be constructed to meet all other dimensional regulations, it will also be finished to match the existing structure with similar windows and siding, and neighbors have not expressed any objections to it.

Accordingly, upon motion duly made and seconded, the Board voted 5-0 to **GRANT THE APPLICANT'S REQUEST FOR TWO (2) SPECIAL PERMITS** under Section 1.5 of the Zoning By-Law to alter a nonconforming structure and to maintain the nonconforming side setback (10.0' allowed, 4.5' existing and proposed) **IN ORDER TO CONSTRUCT A DORMER ON TOP OF THEIR HOME** subject to the following **CONDITION**:

1. The Applicants shall replace any landscaping that is destroyed during construction of the dormer to its former condition.

On Behalf of the Board,

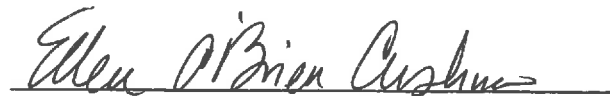


Jeffrey A. Wheeler, Senior Planner

Dated: May 26, 2017

I, Ellen O'Brien Cushman, hereby certify that twenty (20) days have elapsed after the decision was filed in the office of the Belmont Town Clerk on May 26, 2017, and further I certify that no appeal has been filed with regard to the granting of said two (2) Special Permits with one (1) condition.

June 16, 2017



Ellen O'Brien Cushman, Town Clerk
Belmont, MA